

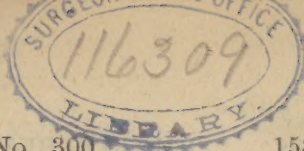
Mass. General Court,
" Committee on Public Charitable
Institutions
Report.

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The CHAIRMAN. Your point is that the clerk should be here to verify them?

Mr. BROWN. I have had no opportunity to inspect the books. I never knew of their existence.

The CHAIRMAN. Look at them.

Mr. BROWN. And I don't know that looking at them five minutes would enable me to say whether they ought to be admitted. I am willing to go as far as anybody can ask me to accommodate His Excellency.

Gov. BUTLER. I don't want any accommodation from you, sir.

Mr. BROWN. I shall always give it, whether you want it or not.

Gov. BUTLER. I will explain. [Reading from one of the 8 books.] "Children and foundlings. No. 436: John Oping; sex, male; color, white; color of eyes, blue; color of hair, light; distinguishing marks, none; where found, St. Margaret's Home, Bowdoin Street; when found and apparent age, May 4, 1881, 8 P.M., 3 weeks; by whom found, Sister Jessie; when brought to home, May 4, 1881, at 9.20 P.M.; by whom, Sister Jessie and Sister Elizabeth; physical condition good; date of death, physician attending, cause of death, place of burial, time," all blank; "other disposition, Massachusetts Infant Asylum, May 7, 1881; remarks," blank. Now there is a page of this book about the condition of this foundling, and it is fair to say it is very carefully made.

The CHAIRMAN. That is a sort of descriptive list of each one.

Gov. BUTLER. I take it to be a register.

The CHAIRMAN. This covers the entire time?

Gov. BUTLER. Yes, sir, covering different years.

Mr. BROWN. Now, I have looked at this book, and I want to make a single remark. It strikes me we are only chargeable for the condition of this child when it gets to the institution, and while it is there. I don't know anything about who made this record, and I think it would be important for the committee to know. This is the record, perhaps, of the same child while it was at another institution. For instance, I turn to page 238 of this volume, simply for the purpose of illustration. Here is a child: "Sophia Carter, female, white, hazel eyes; hair, dark-brown; distinguishing marks, cross-eyed, &c. Found in a passage between Springfield Street and Chester Square; found

on the 17th of June, 1876 ; it was about two weeks old ; Officer Cunningham, station 5, 10 p. m. ; physical condition doubtful." Now, who made that diagnosis, or who examined that child and was able to say that its physical condition was doubtful?

The CHAIRMAN. I don't know, now, that the governor asks to put this book in for any other purpose, except to show the number that went from there to Tewksbury.

Gov. BUTLER. I propose to show,—to put in and then identify from the other register,—to show this: This Chardon Street Home is where all the derelict children of Boston are carried. Anybody that has a child that they don't know what to do with properly, they carry it to the Chardon Street Home. Then, the rule, at the time we are speaking of, was that if no known settlement could be found for the child, and, of course, very few could be found, that child was sent immediately, under the care of one of the State officers, to Tewksbury, and there received and there died. Now, I am prepared to take the child from the Chardon Street Home by the records,—and there was only an hour and a half, at the outside, difference between their leaving the Chardon Street Home and their arriving at Tewksbury,—I am prepared to take the child here by this record, much better than anybody's recollection, deliver him on the register at Tewksbury, find when he died, or survived,—I sha'n't be very much troubled with the latter part of the record.

The CHAIRMAN. I think, Governor—

Gov. BUTLER. Now, isn't this more satisfactory than anything else could be? The record here is very perfect ; and I hope we shall have some such record kept at Tewksbury, some time or other, when somebody can get hold of the institution who will carry it on as it ought to be,—here is an exact record kept for the purposes of that institution.

The CHAIRMAN. Shouldn't we know, Governor, now, who made that record of diseases, whether it was a lady clerk or a physician in the Chardon Street Home?

Gov. BUTLER. I doubt whether anybody could tell that nine years ago, or eight years ago.

The CHAIRMAN. It seems to me the books are admissible for some purposes, but we ought to know the exact facts about the make-up of the books.

Gov. BUTLER. It would not be a lady clerk who would do it upon her own judgment. A lady clerk would make the entry, but it would be upon the direction of some responsible party.

The CHAIRMAN. I think we ought to know that, Governor.

Gov. BUTLER. How?

The CHAIRMAN. I think we should know that. I have no doubt it is so, but as a matter of evidence —

Gov. BUTLER. Pardon me, it goes to the weight. *Omnia rite acta* —

The CHAIRMAN. *Præsumuntur*.

Gov. BUTLER. *Præsumuntur*, — among public officials all things are supposed to be properly done. Very good; and, therefore, we have to take, *prima facie*, a great many things upon trust. Now, when we find a record very carefully kept, and then on one page “good,” on another page “good,” on another page “fair,” on another page “good,” on another page “fair,” —

Mr. BROWN. I should say you were putting in the record.

Gov. BUTLER. No, sir; I am not saying now as to where these went, sir, — they went to different places, — and, then, on another page “feeble,” why, it is of the highest validity, it seems to me. It would be more convincing to me than the swearing of any interested doctor on earth about them; because, it was made at the time, in the course of business, for the information of those who must deal with that child, and because it is not to be presumed, and I hope cannot be true, that the Chardon Street Home people would either make a false record when they had no occasion for it, or that they would send a person from their home, a child *in articulo mortis*, to die at the other end of the road, and the State to that charge, the charge of an officer and attendant and the child. So, I think it is competent for all purposes, and I submit it to the committee.

Mr. BROWN. Mr. Chairman, this record, I suppose, is offered for a purpose.

Gov. BUTLER. Yes.

Mr. BROWN. It is offered because in the judgment of His Excellency it is worth something to prove some fact; nothing else. It is not offered here as a mere matter of boy's play, I know. Now, I think I know what the purpose is. It never occurred to His Excellency, probably, when he was putting in his case, that the record of the Chardon Street Home, put in and interpreted as it stood, would charge the institution at Tewksbury with the responsibility of receiving certain well infants which afterwards died. That seems not to have occurred to him. That was open and was a part of his case.

Gov. BUTLER. Oh, no.

Mr. BROWN. Certainly it was. It was your duty not only to make the charge, but to follow it up with the evidence furnished by the records of this home; that here were children who were marked well upon this record who went to Tewksbury and died within a short time. Now, that was perfectly legitimate and perfectly proper, and we should have been glad to have met it, and we are glad to meet it now. But let us see where we are. This committee don't care to spend its time unless the thing that they are going to do is of some value. Now, how do I know anything from this? I see written in a very poor hand,—certainly it could not have been by any man who had much information on the subject of penmanship, at least; because it is written worse than I write.

Gov. BUTLER. And that is bad enough.

Mr. BROWN. I know it is; but, then, we write very much alike.

Gov. BUTLER. Exactly.

Mr. BROWN. I was looking at your initials last night, and I noticed they were very poor. Now, this "doubtful"—

Gov. BUTLER. Glad you had so good an object of contemplation.

Mr. BROWN. This "doubtful"; now, who made that doubtful? Who examined that child? Was it the officer who picked it up, and came in and said to some woman who was in attendance at the Chardon Street Home, that it was doubtful whether that child would live? or was it some physician who saw that child long enough so that during the period of the examination it took food, and he had an opportunity of watching its digestion to see whether the child could hold the food or whether it could not? Was the child in the Chardon Street Home five minutes or an hour, or two hours, or a day? Let us know something about it, if we are to be charged with it.

Gov. BUTLER. The book shows.

Mr. BROWN. Does the book show how long this child was at the Chardon Street Home?

Gov. BUTLER. Yes, sir.

Mr. BROWN. Where?

Gov. BUTLER. I will tell you; it shows the date it came in and it shows the date it went out, on the same page.

Mr. BROWN. Won't you turn to the 238th page, — I don't know as I can properly interpret what is written here, — and

see if you find any time when that child came into this institution and when it came out.

Gov. BUTLER. Yes, yes ; here it is.

Mr. BROWN. No ; the time when it came in.

Gov. BUTLER. I am giving when found and —

Mr. BROWN. Oh, but we want to know what time it went into the Chardon Street Home ; that is when found.

Gov. BUTLER. Wait a moment, wait a moment ; hold on !

Mr. BROWN. I am waiting.

Gov. BUTLER. [Referring to the book.] “ Chester Square, June 17, 1876 ; about two weeks old ; by whom found, officer Cunningham, Station Five ; when brought to the home, 10 P. M. same day.”

Mr. BROWN. Does it say same day ?

Gov. BUTLER. This is a record of the day's doings. Now, then, here again, “ Sent to Tewksbury State almshouse, Tewksbury, June twentieth ; ” was there three days.

Mr. BROWN. Three days ; they kept it three days and it was doubtful whether it would live.

Gov. BUTLER. Yes, sir ; that is on this record.

Mr. BROWN. Now, where was it kept ? Was it kept at Chardon Street Home ?

Gov. BUTLER. Yes, sir.

Mr. BROWN. It don't say so ; this record don't show it.

Gov. BUTLER. Pardon me ; it is a record of the home.

Mr. BROWN. Very true ; but this record don't show that that child was kept in that home, nor how it was cared for at that time, nor anything of the kind. Now, there is another objection. We are willing to meet this, — I don't object to meeting all these facts ; we will meet them squarely in the face, — because I have investigated this enough to know that the record of this institution, on this subject, is as clean as the benevolence, the kindness and the ability of those who had it in charge could make it. But, let us see ; this is a cross-examination of a witness. Now, it is entirely immaterial to me how this committee rule ; but, if this committee rule in this record, I want it distinctly understood that every one of these human beings I shall trace ; and when I do undertake to trace them I don't want to be met with the objection that I am trying to contradict my own witness. Nothing of the sort. I want the opportunity, and I shall have it, if I can get it, to trace every one of these human beings that is undertaken to be charged to this institu-

tion, and whose death is said to be owing to any neglect on the part of its management. Now, with that understanding, Mr. Chairman, it is entirely immaterial to me how this committee shall rule or what they shall do with regard to it.

Gov. BUTLER. I trust we sha'n't be frightened.

Mr. BROWN. I don't intend to frighten anybody.

Gov. BUTLER. But, let us see how this case stands. I shew in my, — I made no charges, except I said in my inaugural address a very large percentage of infants had died; and I said that some of them had been traded off. That question was thought by the legislature to be one which ought to be investigated, and they appointed you to investigate it; and it was thought proper by you that I should be called to make good my charges in some form: and, in a courteous and proper manner, I was called. I then proved that seventy-one out of seventy-three died, good, bad and indifferent, — there was no inquiry and no occasion to inquire, at that time, — in this institution. If that was so, that made my case, to use that phrase. Having made that case, they bring one of the Marsh family by marriage, who, after his acquaintance, married into it, — the people who were born in it were not to blame, — they bring one of them to contradict that record, and to explain it: and his explanation is, that no baby came there that was not sick, moribund, and died immediately, and human skill, so far as he possessed it, could not help it; and he put the number about fifty. Now, it is said that I ought to have brought the Chardon Street records here. Pardon me: I gave early notice, didn't I, Mr. Chairman, that I was waiting for these people that run this institution to get on to the stand, and then I should have some evidence to bring forward? The time has come. The time came to French Joe yesterday, and to this man yesterday; and the time will come right along as they come on.

Mr. BROWN. They will all be here, nevertheless.

Gov. BUTLER. What?

Mr. BROWN. They will all be here, nevertheless.

Gov. BUTLER. Oh, I have no doubt; I have no doubt. Now, what do I do? I send to one of the old institutions in this city, well managed, well conducted, so far as I hear, and with whom the State has had dealings, and has taken those infants from it which belonged to the State to take, and has put them into a State institution. Now, I bring here those records. They are records kept officially for an official purpose. And we have al-

ready learned in this investigation that beauty of handwriting is no guarantee of accuracy of record. If we have found out nothing else we have found out that, because we have had records here that are admitted to be very inaccurate, and not a record of daily transactions, in which the handwriting was very beautiful,—when the fingers were not sore. Here is a record kept with great care, containing just the information that it ought to contain, evidently kept by intelligent people, and they give the condition of these children as they came into the institution and in most cases as they went out; for they go very soon out of the Chardon Street Home, for the reason that the city is charged with their support while they are in the Chardon Street Home, although they are the wards of the State, so that the Chardon Street Home is naturally desirous of letting them go as soon as proper,—and we have no right to say that they would do it any sooner. Now, the superintendent of that day I sent for and I cannot find, so I can get no knowledge, perhaps, in that. The question is, shall the record be used in evidence. We are told, in answer to that, that every one of these human beings,—and I am glad human beings are beginning to be considered of some consequence, so that they are going to be traced,—every one of these human beings shall be traced. Don't be frightened with that. These two books, covering each a date, and the register at Tewksbury, will trace these human beings up to the hour when the breath left their bodies, but after that there is no trace.

MR. BROWN. Inaccurate as usual.

GOV. BUTLER. I didn't hear you.

MR. BROWN. Inaccurate as usual. We shall produce one before we get through.

GOV. BUTLER. Not inaccurate, because there is no record. If that has not been testified to, there is nothing true. There is no record of a burial. If they had died in this home there would have been a record of the burial and the time of burial. But here there is no record. I am not inaccurate. They cannot be traced,—all of them. I shall endeavor, before I get through, to trace a goodly number of them, but then it will be by the wholesale rather than by retail. Now, then, the question is to the committee, isn't it quite as well to spend our time upon this, which does concern our fellow citizens, examining it by the record, as it is to spend days here attempting to bring police officers who don't know the character for truth and veracity of

Cornelius O'Brien? I submit to you; because, suppose Cornelius O'Brien dropped out of this case? He is only one small element in it, exceedingly minute, in the great mass. Now, I ask the vote of the committee as to whether they will receive this record, so that I can examine this party upon it for the purpose of showing that he has not told the truth. That is the point,—to contradict him. So it is just in order, just in time. He has given a false explanation of this, as I believe. I have the means of testing it. I asked him to bring his books, and he has not, and he says he can't find them. That is not my fault. And, therefore, I have brought others. I appealed to his books, they appealed to their books, and we have dealt with the books of the institution: and that is why books are kept, for the very purpose of investigation. The difficulty has been that the other books have not been kept so that anybody could investigate anything with certainty. These happen to be kept so we can.

MR. BROWN. Let me just say a single word.

[The Chairman and Gov. Butler both interrupted.]

MR. BROWN. You may have the close on me.

GOV. BUTLER. No, I will not.

THE CHAIRMAN. I think you have said enough.

MR. BROWN. I was going to say I would withdraw all objection as to the book, if we can have any information about how the record is made up.

GOV. BUTLER. You can go and get any information you like.

MR. BROWN. I think that it is your duty to produce the information.

GOV. BUTLER. I produce the record; it is for you to impeach it, if you can.

THE CHAIRMAN. My view of it is that this book is competent for certain purposes. I suppose the real question for the committee is, what was the condition of the children, either when they reached Tewksbury or when they started,—your Excellency says it was an hour and a half in transit. The real point is, what was the condition of the children when they started or when they got there. Well, now, this book may or may not state that condition. I think the keeper of the book, or the present clerk of the institution, should be brought in at some time, to tell us who made the entries, whether the police officer said "diseased," or whether the physician of the Chardon Street Home made up that part of the record. I think the book

is admissible. Perhaps it should have gone in in chief, but I don't think that question is of enough importance to discuss.

Gov. BUTLER. I don't think their condition very important, because it will be found they died indiscriminately.

The CHAIRMAN. I think the committee will admit the book, but, unless the governor produces the book-keeper, the committee will have the book-keeper summoned. Is that satisfactory?

Mr. BROWN. The governor says the entry as to condition is not material, and if it is not we don't want the book.

Gov. BUTLER. Now, pardon me; when you repeat a man's statement you ought to repeat the whole of it. The only time God Almighty struck a man dead, or woman, was for keeping back part of the truth.

Mr. BROWN. He has been very kind to us.

Gov. BUTLER. Speak for yourself, sir.

The CHAIRMAN. Let us reserve the argument for final hearing.

Gov. BUTLER. Now, then, I was saying this: simply that it didn't become very important what their condition was, because I said that the record will show that the good died with the bad, and the bad died with the good, living just about so long; it was an even thing. Good health didn't keep one alive any longer up there, and bad health didn't, as a rule, hasten death, as will appear by comparison. Now, I have stated the whole of it.

Mr. CHAMBERLAIN. I was going to say that if this evidence is admitted, as I don't see why it should not be, I shall certainly vote to give all the time that is necessary to fully rebut this, as I shall any other evidence that has been put in on the other side. Now, if this goes in, it must go in with that understanding, that there shall be time given to rebut it.

The CHAIRMAN. I am beginning to think time is of no consequence to this committee.

Gov. BUTLER. I will give up to the first day of next January, if it is necessary; I can't promise to give any longer.

Mr. BROWN. I am glad you don't feel sure of it any longer.

The CHAIRMAN. Governor, you may go on with the book.

Mr. GILMORE. I think, before these books are admitted as evidence we should know whether this statement of the condition of the children was made up under the authority of the physician or by a clerk; I think it is important.

Gov. BUTLER. That is, I must prove that the Chardon Street Home is well run?

The CHAIRMAN. No: you must prove the book kept by somebody. You bring a book here we don't know anything about. Of course, it is the book of the Chardon Street Home, but, if objection is made, it would seem that somebody should identify the book.

Mr. GILMORE. I suppose it would be very easy to prove the habit or custom; whether the custom is to have the children examined by the physician.

Gov. BUTLER. I have no doubt it can be shown so; I have no doubt it can be shown.

Mr. GILMORE. I think the committee should have that knowledge.

Gov. BUTLER. I saw a lady from the Chardon Street Home yesterday, and I asked her if she was the head of it, covering these years, and she said she was not: she was then an employee in the home, and, therefore, I didn't call her. I supposed she was the head of it. But, what would you do with these books supposing the Chardon Street Home had been burned up in the Boston fire and everybody in it, and the books had been saved?

The CHAIRMAN. Prove the handwriting as near as we can.

Gov. BUTLER. Pardon me, that wouldn't help it at all.

The CHAIRMAN. It might or might not. Of course, there is difficulty there.

Mr. GILMORE. I am perfectly willing to have the books admitted, but, before I should be willing to vote for that, I should want to know by whose authority these reports were made.

Gov. BUTLER. If the committee will permit me: the books, like every other book, like the books of every other institution, and almost of every business, are to be admitted *prima facie* correct, open to correction and to impeachment by the other side to any extent they desire; that is the rule.

Mr. BROWN. And to remain here for our examination.

Gov. BUTLER. Why, certainly, sir.

The CHAIRMAN. Do you make that motion, Mr. Senator, that before the book is admitted —

Mr. GILMORE. I do.

The CHAIRMAN. The motion is made, Governor, that before the books are admitted some one come up and testify as to who made the entries. I suppose Mr. Innis can go right down there.

Gov. BUTLER. I don't know as anybody can tell it.

MR. GILMORE. I don't mean that; I don't mean who; but whether by the authority of the physician,—whether there was an examination by a physician. That is the point I wish to raise.

GOV. BUTLER. Now, gentlemen of the committee, let us have a little of what my brother Brown calls "horse sense." Here is a book—

MR. BROWN. I am glad you are coming around to my proposition.

GOV. BUTLER. "Children and foundlings, volume first, overseers of the poor of the city of Boston." There is a record of the city of Boston, by the overseers of the poor, kept of a particular class,—of foundlings. It has been offered for a purpose. Here is another volume. "City of Boston, volume two, overseers of the poor, children and foundlings." This is a history of the children and foundlings. Then, here [taking up another book] they changed the form, made it a little more compact; that was thought to be a little too large. Now, here is another book, labelled on the outside, "Children and Foundlings, City Temporary Home." And then come other years when they are a little smaller, because they had rather stretched it out, taking a whole page for a single infant, and it was so large a book they made it smaller. And then there is an index to them. Do you think, now, really, gentlemen of the committee, that these have been got up by me for this occasion and, therefore, they want to be identified?

THE CHAIRMAN. No, Governor, but we don't know that they are kept any better than they are at Tewksbury; that is our trouble. We don't know who kept them. The assumption is, as you say, that they are correctly kept.

GOV. BUTLER. What good would it do when you did know they were correctly kept?

THE CHAIRMAN. It is a question in my mind what weight the books would have with us, but it is the admissibility we are discussing.

GOV. BUTLER. I offer the books; you can rule them out if you choose. I sha'n't do any more.

MR. GILMORE. It seems to me it would take but a little while to have somebody from the institution to give us the information we want.

GOV. BUTLER. If I can't rely on the books of the city of Boston *prima facie*, I am done.

Mr. CHAMBERLAIN. I supposed the question was with regard to the physical condition of the children at the time they made the record.

The CHAIRMAN. I suppose that is the fact. We want to know who reported that the child is diseased. If it was the physician, which I presume was the case, it will have great weight with the committee; if it was not, it will have little or no weight. I presume the present physician of the Chardon Street Home would give us all the light we might need.

Gov. BUTLER. He may be alive or dead; I don't know, sir.

Mr. RISTEEN. I think, Mr. Chairman, the books should be admitted, and I hope the committee will vote on it now.

Gov. BUTLER. I had rather have the opinion of an old woman nurse than that of a green physician. — that is, when he has first graduated.

Mr. GILMORE. I shall be obliged to vote against the admission, unless we can have the statement of some one who knows by what authority these reports are made. I think the committee are entitled to that information, and it can be had in a very few minutes.

The CHAIRMAN. Any other member of the committee anything to say?

Mr. CHESTER. Is it understood we cannot get the information the senator asks for?

The CHAIRMAN. I don't understand it so.

Mr. CHESTER. I should like to be informed.

Mr. BROWN. Mr. Chairman, I have a gentleman here whom I will send down to the institution. I think he is competent to get the information. I will send him down and see if he can't get a man, because I would like to meet this branch of the case.

Gov. BUTLER. I am very much obliged to the gentleman for sending his messenger. That man has been sent to a good many places.

Mr. BROWN. I know he has, and he has always brought out the truth.

Gov. BUTLER. Especially the true reputation for truth and veracity of O'Brien.

The CHAIRMAN. The question is, shall the books be now admitted?

Mr. LEARNARD. Before that is put, I understand that Senator Gilmore has made a motion that they be admitted conditionally,

I am prepared to vote for the admission of the books under the restriction proposed by Senator Gilmore.

The CHAIRMAN. How will you put the question; what is the motion?

Mr. LEARNARD. That the motion of Senator Gilmore be put first.

Mr. GILMORE. I said I was in favor of admitting the books as evidence, if I could be satisfied that these examinations were made by a competent person, physician,—or some other competent person,—otherwise I should have to vote against it. My motion was not conditional.

The CHAIRMAN. I understand the question is whether the books shall be admitted or not.

Mr. RISTEEN. I think that is the motion before the committee, and I hope the motion will be put at this time.

Mr. PUTNEY. It seems to me that we have got to ignore, we are obliged to ignore the record of an institution which we all assume is well kept, when we say that we don't know whether these records are made by parties competent to make them. Now, I assume that the Chardon Street Home would not have parties there making such records unless they were competent; because this is an establishment of the poor department of the city of Boston, where they have a great deal to do, a large amount to disburse there, and it is necessary to have proper persons to make such records. And I shall assume that the books, if they are admitted at all, are competent as they are.

The CHAIRMAN. I have no doubt the books are well kept; the question is whether the record that a child was diseased was made by a clerk, by a policeman who picked the child up in the street, or by a physician who personally examined the child. Now, it seems to me —

Gov. BUTLER. A little examination will show that it was not made by the policeman, sir.

The CHAIRMAN. Now, the evidence will have no weight in the mind of any member of the committee as to the condition of the child, unless the committee know who pronounced upon the disease. That is my difficulty.

Mr. GILMORE. I have not questioned the correctness of the books at all, but I think the committee are entitled to that information, to know whether this examination was made, these reports made by a physician or some competent person.

The CHAIRMAN. These are not the books of the party on

trial, these are the books of another concern brought in. It seems to me they should be proved. But I will put the question, unless some member of the committee desires to say something.

MR. CHAMBERLAIN. Mr. Chairman, it seems very easy, if there is a desire to do so, to prove what was the general conduct of the institution ten years ago, whether it was intended to have a person there who made that record who was competent to judge of the physical condition of the children. That must be very easy to show, if there was any wish to show it, it seems to me.

GOV. BUTLER. I doubt very much, myself, whether the person who made the record had any such competency. I should believe, in a well-regulated institution, she would, or he, whoever made it,—sometimes it is a lady, I think, by the handwriting,—he or she would put it down as she was directed by some doctor, or nurse, or some proper person.

THE CHAIRMAN. Unquestionably; that is just what the committee would like to know.

GOV. BUTLER. If they have any doubt as to the propriety of the conduct of that home, it is a matter which we can investigate into; but I had supposed that the moment I went into that, I should be told, as I have been once by a vote of the committee,—which, I believe, is the only time they have overruled me,—that they didn't want to investigate into other institutions. I assume that the books of the institution are correctly kept, that is all. If I brought the treasurer's books of Harvard College here, as I may have to yet, I should not expect to bring anybody to prove that Harvard College had a competent treasurer, or that the books were kept correctly, unless I had some means of impeaching them, and then I should bring them in first, and offer them in evidence as they were, and then put in evidence of impeachment.

MR. GILMORE. Mr. Chairman. The great reluctance to show the fact of who kept these, or by whose authority they are kept, leads me to suspect that they were not kept, or the report not made by a competent person.

GOV. BUTLER. That is always for the person who impeaches the book. The book is *prima facie*. The acts of public officers are always *prima facie* correct, and then they are to be inquired into. Precisely as the books of Tewksbury were to be taken to be correct till they were inquired into.

The CHAIRMAN. Is the committee ready for the question?

Mr. WOLCOTT. What is the question, Mr. Chairman?
What form has it?

The CHAIRMAN. The question is on admitting the books.

[The committee voted four in favor and four against.]

The CHAIRMAN. The books are rejected. I should say that if my vote was necessary, I should vote no, because I think that the fact should be known to the committee as to who passed upon the physical condition of those children.

Mr. GILMORE. That was my only objection to the admittance of the books.

The CHAIRMAN. And at some future time, if that is shown. I have no doubt the books will be admitted. Go on, Governor.

Gov. BUTLER. Now, then, let us take the register: I believe that has been proved. I shall never offer these books again. There don't happen to be one member of the minority who is here, I believe.

The CHAIRMAN. We are all in the minority, Governor, and all in the majority. Two members of what you probably call the minority —

Gov. BUTLER. Yes, I know.

The CHAIRMAN. Two members of what you call the minority. I believe, are present. The others we should be very glad to have present.

Gov. BUTLER. Now, have you examined, Mr. Records, the infants that came between the 22nd of July and the 28th of November, in regard to this record.

Mr. BROWN. Now, I pray the judgment of this committee whether I am to be interrupted in this defence by the introduction of evidence on the part of His Excellency. I supposed I had the right to pursue my defence uninterrupted. His Excellency occupied from the 30th of March, and I supposed that the time was now mine.

The CHAIRMAN. I understood by the vote that the Chardon Street Home books at present are excluded.

Gov. BUTLER. How?

The CHAIRMAN. I understood by the vote the Chardon Street Home books are excluded. If that is one of them —

Gov. BUTLER. Pardon me. I so understand it; and, I trust, you cannot go so far as to suppose that, after that vote, I should interfere with it at all. — with the vote of the committee, — or should undertake to put in the books. On the contrary, I

said I never should offer the books again ; and I have now got the register of this foundling slaughter-house at Tewksbury.

The CHAIRMAN. Very well, Governor, go on : I was under a misapprehension as to the books.

Mr. BROWN. As to that, Mr. Chairman, I don't see why I should be interrupted in my defence. If Dr. Putney is to be asked anything from this record, I don't object.

Gov. BUTLER. I am going to do so.

Mr. BROWN. I understood you to offer Mr. Records as a witness.

Gov. BUTLER. I asked Mr. Records, for the purposes of examination, to save time, to go over and get this collated, and he will give you the conclusion. Then I am going to ask Dr. Putney some questions upon this state of their own books.

The CHAIRMAN. I think you should finish with Dr. Putney now, and if you want him to be recalled, he can be recalled after you have put in Mr. Records.

Gov. BUTLER. I am not recalling him, sir ; he is now my witness on the stand.

The CHAIRMAN. Dr. Putney?

Gov. BUTLER. Certainly, sir. I am only asking Mr. Records, as I would ask anybody else, to assist me in the examination. I can take as much time as you desire, gentlemen, but I am trying to hasten ; but, unless you desire to prolong the matter, you can have the assistance of somebody that can aid you very fast. He can assist in giving what is in the books. It would take me a long time to find out.

The CHAIRMAN. Now, exactly, Governor, what is your proposition?

Gov. BUTLER. My proposition is to ask Dr. Putney whether these infants, — whose names I shall call, and show died, — were the infants he refers to when he says they were all sick.

The CHAIRMAN. Go ahead ; I don't see any objection to it.

Gov. BUTLER. Pardon me —

The CHAIRMAN. I was under a misapprehension as to what you meant.

Gov. BUTLER. I must do it one at a time, if you choose ; otherwise, I was going to see how it stood on the books, and then ask him if there were any other class of infants he referred to than those, and then I asked him to examine these books, and he didn't.

The CHAIRMAN. Proceed.

Gov. BUTLER. Now, then, Mr. Records, will you tell me where I shall find the first one, if we have got to go through it this way?

Mr. RECORDS. 49,313.

Gov. BUTLER. I have had a list made out to facilitate, but if there is any purpose for which the committee want to take as much time as possible, I am willing to yield to it. Now, we have got 49,313, Jennie Wilde, Genieve Wilde, age, 3-52 years; foundling; died August 12, 1876; found on Highland Street. Now, give the next one, please.

Mr. RECORDS. 24 —

Gov. BUTLER. Joseph Le Blood. I want to repeat it again; they can have this in five minutes, if they choose to take it in that way. "Ettie Trask, 1-12,"—one month old,— "unknown; Boston; diseased; foundling;" — condition "foundling"; — "October 13, 1876; found at Unity Street, May 26;"—died in how many months, sir?

Mr. RECORDS. A month.

Gov. BUTLER. Take the next one.

Mr. RECORDS. 49,584.

Mr. BROWN. So far as I am concerned, Governor, if you have got this made out, I will take Mr. Records's statement and then examine it.

Gov. BUTLER. I thought it would be best; but the committee want it the other way.

Mr. BROWN. I didn't know what you had there; but, if Mr. Records has made the examination he may submit his record, his figures, and if we find any errors in it we will call attention to it.

Gov. BUTLER. He will state it right through, and then you can see if it is correct. Now, Mr. Records, give us those that you are sure of. Won't you tell me when they came in and what their disease was, if any, and when they died.

Mr. RECORDS. I have examined these; I compared these with the record on the Chardon Street book to see how the description compared, and the times of entry at Tewksbury, compared on the Tewksbury record.

Mr. BROWN. I object to that. The books are excluded of the Chardon Street Home.

Gov. BUTLER. Very well; I don't ask you that, sir. You did examine in that way. How did you find it here? Go on, sir.

Mr. RECORDS. Well, the condition is not, — it is sometimes stated there. I haven't examined that, specially.

Gov. BUTLER. You took the condition from the Chardon Street books?

Mr. RECORDS. I took the condition from the Chardon Street books, and then I put down simply the date on which they died.

Gov. BUTLER. Very well; when did they enter, and when did they die? Take them right along.

Mr. RECORDS. There was one entered July 25 and died August 12. The next one, August 17; died September 2. August 17, condition doubtful, — the previous one was doubtful; this one was doubtful.

Gov. BUTLER. That appears on the Chardon Street, or here?

Mr. RECORDS. That appears on the Chardon Street.

Gov. BUTLER. Then leave that out.

Mr. RECORDS. Admitted on the seventeenth of August and died on the second of September. Next one, September 13 and died October 13; next one, September 2 and died October 5; November 11 and died December 19; Nov. 15 and died Dec. 21; December 19 and died January 12, 1877; November 24, 1876, and died the same day at Tewksbury; December 18, 1876, died January 2, 1877; December 30, 1876, died January 18, 1877; January 6, 1877, and died the thirteenth of January; on the eighteenth of January and died February 1; next one on the seventeenth of January and died on the twenty-third; on the eighteenth of January and died on the tenth of February; fourteenth of January and died on the twenty-sixth of February; the next one was admitted May 8 and died June 6; another one May 8 and died June 6; another one May 8 and died June 1; the next one May 29 and died June 3; the next one June 4 and died July 9; June 14, died June 23; June 19 and died June 24; July 20 and died August 25. That is as far as I have got.

Gov. BUTLER. And how many are there of them?

Mr. RECORDS. About twenty-five I should think.

Gov. BUTLER. And are they the twenty-five right along steadily on this record as coming from Chardon Street?

Mr. RECORDS. Yes, sir; twenty-three.

Gov. BUTLER. And you found that the record right along?

Mr. RECORDS. Yes, sir.

Gov. BUTLER. That is, it would show if I should read them there right along.

Cross-examination of Dr. Putney continued.

Q. Now, Doctor, do you mean to say these were all sick children that came there? A. I mean to say, sir, that all the children I had to do with in the foundling department were sick when they entered. Aside from that I have nothing further to say. My memory does not cover individual cases.

Q. Well, how many of these foundlings came there from other institutions? A. I don't know, sir.

Q. About how many? A. I don't know.

Q. Have you ever examined it to see? A. No, sir.

Q. Did a large majority of these die with the same symptoms? A. I don't remember.

Q. Do your books show what symptoms they died of? A. I haven't any books, sir, and I don't remember the books.

Q. What? A. I don't remember the books.

Q. Why, you said you did examine some books, just now: do those show they died all the same? A. They don't show symptoms, sir; no, sir. Diagnosis hasn't to do with symptoms.

Q. I know. Now, according to your remembrance, does your book, which shows six of syphilis and some having chronic diseases, in your judgment does that exhibit a fair proportion? A. I will say, sir, that when I made these diagnoses it was according to my best knowledge and belief.

Q. I have no doubt. Now, if you will attend to the question you will answer it, I have no doubt. That covers only a small period; now, were the other children, as you remember them, with about the same average of diseases? A. About the same average; yes, sir; as I stated on the start.

Q. Then, out of 21, six having syphilis,—out of 71, we should have to have, if I remember the number right,—out of 71 we should have to have the same proportion? A. Not necessarily.

Q. If these were a fair average, you would; I asked you that. A. There were five of syphilis.

Q. Five. Then, as 5 is to 21, so is 71 to the answer. Now, did any of these die of vomiting? A. That is not a disease; no, sir.

Q. I suppose a child might be so afflicted with vomiting as that to be the cause of its death? A. No, sir; the cause of the vomiting is the cause of death in such a case.

Q. Certainly; and the child being born is the cause of its

death, because it could not have died without being born, the same way, I suppose. Did they die while vomiting? A. I don't remember a case, sir.

Q. Do you remember they did or they didn't? A. I don't remember whether they did or did not.

Q. Were there many of them nauseated and vomiting? A. I don't remember a case that died in that condition.

Q. Do you remember any that were afflicted before death in that way? A. Yes; some of them vomited.

Q. How large a proportion? Certain a quarter of them? A. More or less.

Q. We are told by somebody that there was quite an epidemic amongst them at one time; was that during your administration? A. An epidemic of what, sir?

Q. Something that carried them off. A. They all died while I was there; you might consider it a continuous epidemic.

Q. They all died. A. There was no infectious, — there was no acute disease that pervaded the institution, if you mean that, — no measles or scarlet fever.

Q. Among these foundlings; and they said a large number died of inflammation of the bowels, or some disease of the bowels, at some time; I don't know whether it was under your administration or not, — that a large majority of the deaths were that way. A. I don't remember any such instance.

Q. Don't remember? A. No, sir.

Q. Very well. Did you complain to any person, and, if so, to whom, of the sending babies there that were moribund? A. No, sir; I did not.

Q. Now, a good deal has been asked about complaints made to you; were you the person to have complaints made to, or the resident physician? A. A certain line of complaints were properly made to me when I had charge of that institution, that department.

Q. That department; such as what? A. Well, lack of clothing.

Q. Lack of clothing. A. Or inattention on the part of the under nurses, attendants.

Q. Anything else? A. Well, anything that interfered with or that was contrary to the usual rules observed from day to day.

Q. If there was anything wanted? A. If there was anything wanted and was not furnished, I was notified.

Q. And as to the discharges; you had no right to discharge anybody? A. You mean attendants?

Q. Yes. A. No.

Q. That used to be done by the resident physician? A. I could complain in such cases.

Q. You could complain; I understand. Now, then, I understood you to say that, during the time you were there, you never heard a complaint of ill-usage of anybody? A. On the part of attendants?

Q. Ill-usage by anybody to anybody. A. You waiting for an answer, sir?

Q. I am. A. If you will put the question in a different form I will answer it, sir. I cannot answer that question.

Q. Can't you? A. No, sir; I said yesterday, sir, that I never had. — no complaints were made to me, and never did I hear of any abuses.

Q. Well, I want you to give it to us again, if you will. Did you ever hear of any complaint of any wrong or abuse by one person to another in that institution while you were there? A. According to the best of my knowledge and belief, sir, I never did.

Q. Never did. Did you ever hear of any complaints by any person to any officer, or to yourself, of anything what was deemed by that person to be wrong or abuse? A. I don't remember of any case.

Q. Don't remember. Is your memory so you know whether there was not? A. My memory, sir, is very good concerning matters I wish to remember, wish to retain.

Q. Would you have reason to remember that? A. Since I have left the institution, sir, I have forgotten a great deal that occurred there.

Q. Evidently. Now, can you tell me that you have such a memory that you can or cannot tell whether there was any complaint of any abuses? A. No, sir.

Q. Then, so far as you know, sir, everybody there was satisfied with everything, and everything was in a condition that everybody ought to be satisfied with it; that was it, was it? Except the want of a microscope. A. So far as I remember.

Q. So far as you remember. Well, you were there when the investigation went on? A. What, in 1876?

Q. Yes. A. No, sir.

Q. Was that in the winter before? A. I presume so.

Q. You heard of it, I suppose? A. I heard of it.

Q. As taking place before. And, then, from the time you got there up to the time you left, everything, you answered me, everything, so far as you knew, was just as it ought to be, and everybody was perfectly satisfied as it was: nobody got hurt, nobody got abused, nobody got struck, the food was just as it ought to be, everything was lovely. Well, now, did I understand you? You say so, do you? That is the fair result of your testimony, is it? A. Well, sir, you put it in a way that covers more ground than I had expected the question would.

Q. Take out any piece of ground. A. I supposed you referred simply to abuses.

Q. That allows so wide a — some people don't think it is an abuse to knock a person down — that allows so wide a line for judgment I didn't let you answer on abuses; therefore, I broadened the question; because, you see, I could see a place. — I am an old lawyer and have seen witnesses before, — I could see the place where you could get out. I wanted to cover it all. Do you mean to cover it all, or do you mean to say there were things there that you had omitted? A. Well, sir, I am willing to let it stand as I have stated.

Q. Did you ever have your attention called to the case of a woman that was supposed to have been beaten, and did you examine the body to see if there were black and blue spots? A. The case I mentioned yesterday —

Q. Leave out any cases you mentioned yesterday. A. I saw the case of a woman who died, and on her body were spots which a bystander suggested were the cause of violence, but there was no accusation made.

Q. Who was the bystander? A. I don't remember.

Q. Was he doing that approvingly or complainingly? A. I don't remember.

Q. He was suggesting they were caused by violence — was it he or she who said it? A. I don't remember, sir.

Q. Somebody suggested that this woman died by violence, and there were spots showing that she died by violence, and you don't remember who it was; and you don't remember the name of the person? A. I do not.

Q. But you did examine to see if it were caused by violence. Didn't you understand that was a source of complaint? A. No, sir.

Q. Well, there was somebody in the institution who said:

This woman has got bruises, *ecchymosis* on her body, or remains of them, that show that. You went into an examination of this, and you didn't understand there was any complaint about it?

A. It was not *ecchymosis*, sir; if it had been I should have inquired.

Q. Ah; pardon me. He suggested that there were black and blue spots. Perhaps I am not right in my technical term; I was not educated at Harvard. But I understand a black and blue spot is *ecchymosis*. A. Yes, sir.

Q. Then I am right. Then the complaint that there were black and blue spots on this woman was, he said there were black and blue spots on this woman, which were the result of violence; you examined to see whether they were or not, and you now don't remember that there was any complaint made about that? A. That is what I said.

Q. If there was no complaint why did you examine? If everything was all lovely why did you examine? A. I examined the body, saw the body before anything was said. It was very apparent as soon as the body was seen.

Q. Precisely so. You examined it before anything was said? A. It is the custom there to do it.

Q. Did you examine it afterwards? A. I examined it before and after.

Q. Well, after as well as before? A. I saw it.

Q. Of course you would see it, if it was in your department; you ought to see everybody that was dead. Now, you saw the body; what did you examine it before anybody said anything about it for? A. Well, sir, I am unable to answer. I don't remember. I know that person was dead, and I was called to view the body. I attended to my business, but aside from that I don't remember.

Q. Well, when you were called to view the body you were told — I suppose it was false, you know — you were told by somebody that that person had been beaten? A. I don't remember.

Q. Or that she had been kicked and pulled about? A. I don't remember that anything was said as to the cause of those spots.

Q. Well, afterwards, somebody did say that there were spots caused by violence? Didn't some person say that there had been; didn't some person there in the room, Mr. Putney, say that there had been violence to this woman, and that they

thought the spots showed it? A. I say when I viewed the body I saw those spots, and —

Q. I don't ask you that. You won't get rid of me that way. Somebody did say that those spots, in their judgment and their belief, were spots on the body caused by violence. Didn't those same persons say that violence had been applied, as they understood it? A. I don't know, sir. I know —

Q. I don't care what else you know if you don't know that, because the rest is not very valuable. Now, don't you know that the person that called attention to those spots, said in some form of words that that woman — we want to know who it was, and will have it before we get through — that that woman had been violently used in some way? A. No, sir.

Q. You don't? A. No, sir; I have no recollection as to what was said, specifically.

Q. But without saying specifically, in general, in any way, giving any intimation that that woman had been violently treated? A. I can only repeat, sir — I did not get the drift of the last question.

Q. Well, I will give it to you. Pardon me; don't attempt to answer a question you don't get the drift of. The drift of the question is not of so much importance as what the question is. Now, do you understand this: did anybody say, when they called your attention to those black and blue spots, did anybody say in any form of words, or intimate to you in any way or shape, anything which conveyed to your mind the belief of that person that violence had been done to that woman? A. Yes; I so stated yesterday.

Q. I don't know what you stated yesterday. A. That a bystander called my attention to these spots, and I said they were changes which very often occur.

Q. I am not asking whether such changes very often occur. Answer my question. Did that bystander, whoever he was, say or intimate to you in some form of words, convey to your mind the idea that force had been applied and that was the result, — applied to that corpse in its lifetime, and that that was the result? Now, that is what I want an answer to and nothing else. A. Yes.

Q. Yes; he did. Then there was a complaint in that case, wasn't there, that somebody had been beaten or kicked, or undue force used in the lifetime of that corpse, and the body showed

it? A. I didn't recognize that as a complaint, sir; it came from an unofficial person.

Q. One particular person. I thought you told me you didn't know who it was. Who was it? A. I said before I didn't know who it was.

Q. How do you know it was a particular person? A. I would swear it was not an official.

Q. But an official never complained of anything that was done there. I am not asking you about the complaint of an official. They were all of one family, and they never complained of any one in particular. How do you know who it was unless it was an official? Because no official would call attention to a fact of that kind. A. By official I mean —

Q. Yes; I mean official. A. I should have said physician.

Q. You meant to have said physician.

Q. Oh, you meant to have said a physician. Pardon me; if a physician had seen a woman beaten would they have called your attention to the fact that one of your women had been beaten, and there she was dead? A. A physician would probably have called my attention to the fact; but I considered and I have said that these spots were not the result of violence.

Q. I have heard that ten times, and I understand that was your belief. But I want to get the belief of somebody else. Now, do you know who the person was that called your attention to it? A. I do not.

Q. How do you know it was not an official person? A. Well, I can only say that I know it was not, but I don't know how I can substantiate it.

Q. You know it was not, but you don't know how you know. Let us try again. You have said it was one particular person. How do you know that? A. Well, I know it, sir, as well as I know anything.

Q. I have no doubt about that, but how do you know it? You know it is one particular person; if you don't know who it was, how do you know it was a particular person? A. I know it was a person.

Q. Why did you put in the adjective particular?

Mr. BROWN. He didn't, Governor.

Gov. BUTLER. I beg your pardon.

Mr. BROWN. I beg your pardon; he has not used the word particular; and I will ask reference to the official report. He used the words official and physician.

Gov. BUTLER. Particular is the word, and not official or physician. That is another dodge. He used the word particular over and over again, and I think everybody, almost, understood it so.

Mr. BROWN. He didn't say so.

Gov. BUTLER. I guess, put it to vote, we should have the usual vote on this question.

[The reporter read the answer above. "I didn't recognize that as a complaint, sir, it came from an unofficial person," and the question immediately following.]

Q. (By Gov. BUTLER.) Have you any idea who that was?

A. No, sir.

Q. Now, didn't you understand that that was a complaint?

A. No, sir.

Q. What did you understand that was?

The CHAIRMAN. Wait a moment, Governor.

Gov. BUTLER. I don't understand.

The CHAIRMAN. I didn't know but some member of the committee wanted to make some suggestion.

Gov. BUTLER. I wait.

The CHAIRMAN. Proceed.

Q. (By Gov. BUTLER.) Now, sir, what did you understand it was? Here was somebody saying that force had been used, and there were black and blue spots to show it; did you think it was a phrase? A. It was a remark.

Q. A complimentary one? A. I simply say I looked upon it as a remark. As to the peculiar kind or bearing of the remark I would not say.

Q. How came anybody but you to examine the body of this woman so they could remark the black and blue spots? If they had seen her beaten they might have supposed they were there. How came anybody to examine the black and blue spots instead of you? A. I don't know that anybody did examine for black and blue spots. I didn't examine for black and blue spots.

Q. How did anybody examine for black and blue spots, except you? A. I don't know, sir; I had nothing to do with that.

Q. Was it the duty of anybody to do it? A. It was the duty of the attendant of the hospital to see that the body was properly laid out.

Q. Before the physician viewed it to see whether death had taken place? A. Not always, sir.

Q. Now, was not this it? When a person was supposed to be dead the physician was called in to view the body? A. The physician always saw the body before it was buried, as far as I know.

A. I didn't ask that. A. Well, yes, sir; the physician was called in to view the body.

Q. That was the first thing done, was it not, after death, or what ought to have been done? A. No, sir; the bodies were sometimes laid out first and prepared for burial.

Q. Prepared before the physician had given an opinion as to death; is that the rule? A. Yes, sir.

Q. Then, where would they be laid out for burial? A. Well, I don't remember, sir, as there was any particular room in the insane department.

Q. Was there any particular place? Was not the body of a dead person removed from the bed into the coffin beside the bed, as a rule? A. I don't remember of ever seeing that done in the insane department; I believe you refer to that alone.

Q. What made you think I referred to the insane department; I never said anything about it? A. Well, I inferred it simply from what you said.

Q. What was it that I said that you inferred it from? A. Well, because we were talking about an insane person who died at the insane asylum. We hadn't been talking about anybody else.

Q. Well, when? A. I don't know when.

Q. But when were we talking about that? A. For the last ten minutes.

Q. Oh, no, I asked you if you knew the person and you said you didn't. A. You asked me if I knew the person who made this remark.

Q. No; I asked you if you knew the person who died? Well, now, I thank you. I understand you distinctly. A. I know she was in the insane department, but I don't know who she was.

Q. You don't know who she was, but she was in the insane department. Then she was an insane person who had been supposed to have been beaten without complaint. Now, as a rule, in that institution, were not the bodies put from the bed into the coffin? A. I cannot say, sir, as to the insane department; but in the other hospitals, when there was room in the

isolated ward, or a smaller room, they were put into that room and properly dressed for burial.

Q. Will you answer my question? A. That is as well as I can answer it, sir.

Q. Whether as an ordinary practice — not for reasons this, that and the other — but as an ordinary practice was not the body put directly into the box beside the bed, or at the end of the bed? Now, that is a plain question. A. Well, sir, according to the best of my recollection they were not; they were isolated.

Q. According to your best recollection. That goes to all the wards, does it? A. All the hospital wards.

Q. All the wards where people died? A. According to my best recollection that is so; yes, sir.

Q. Have you such recollection you will swear it is so? A. I won't swear either way.

Q. Then it is where you have recollection, but won't swear to it. Now I only want you to give me recollections you will swear to. I want to get from you if this was not it. You were there two years and four months. As a rule, a party died in the bed, and the doctor was sent for to see whether he was dead; he came and pronounced it dead, and then within a short time, within a few minutes — within an hour at any rate, that body was taken from the bed and put into a box by the side of the bed? A. I don't know, sir, what time elapsed between death and burial.

Q. Now you are going into time? A. I don't know, sir.

Q. You don't know whether that was the rule or not? A. No, sir.

Q. You were there two years and don't know? Well, that must have happened a great many times right in your sight, mustn't it? A. The death of a person?

Q. Yes; and the putting it into the box? A. No, sir.

Q. Why not? A. Because it was not my business to see that operation performed.

Q. Not when you had charge of the ward? A. No, sir.

Q. Whose was it? A. It was my business to see the body before it was buried, and I saw it at different periods after death; sometimes shortly after death, and sometimes I was with the patient when he died.

Q. Did you ever see it after it was in the coffin? A. Yes, sir.

Q. Now, then, you now swear here upon your oath, that you cannot tell whether the practice of the institution was to have, within a shorter or a longer time, we won't say as to the minutes, but as soon as it could be conveniently, the physician called to them and then the body, without being removed elsewhere, put into the coffin from the bed? A. Yes, sir; it was not the custom of the physician to see the body before the removal from the bed.

Q. It was not the custom? A. It was not the invariable custom.

Q. What do you mean by invariable? A. I mean that a body was not always viewed by the physician after death, and before the removal from the bedside.

Q. I am asking what is the usual practice, and you tell me there was no invariable practice. I was asking you whether you knew it and I will leave it where it is. You have sworn that you don't know what that practice was? A. If I have sworn falsely, sir, it is because I didn't understand your question. I have said that it was the custom for the physician to see the body after death, either in the bed before removal, or after and before burial. That is the way it stands.

Q. I have not even inquired about that. Therefore, if you have said it, you have said it as a volunteer. I want to put this question to you again, and I don't care a copper which way you answer it, if you will answer it at all; was it not the usual custom after the death of a poor person there, that that person, after being viewed by a physician, should be put into a coffin from the bed? A. I don't remember.

Q. Then you don't know. Now we have got right back where we were sometime ago, and then I asked you the question whether you hadn't occasion to see that done a good many times, and you said "No." You mean to leave it there, do you? A. I mean to say that many bodies were removed to coffins without my seeing them before they were put into the coffins.

Q. How many? A. I cannot say, sir.

Q. What proportion? A. I cannot say.

Q. One-quarter? A. I have nothing to say about the figures, sir.

Q. But about proportion, you have? A. No, sir.

Q. You won't say anything about proportion. Now sir, did you know while you were there that dead bodies — that the dead

were being removed from the dead-house to Boston and elsewhere? A. I never saw it done, sir.

Q. I didn't ask you that. Did you know the fact? A. I knew from report that it was done, sir.

Q. Commonly? A. I don't know how commonly. I know that a great many bodies were taken and buried.

Q. A great many were taken and buried? A. Yes, sir.

Q. Did you know whether any were dug up? A. I never saw any bodies dug up.

Q. Not whether you saw any bodies taken up, but did you hear, while you were there, of graves being robbed? A. I heard of graves being robbed, sir.

Q. That is, the body taken out of it? A. Yes, sir; I heard that.

Q. More than one? A. Yes.

Q. More than two? A. Yes; I could safely say as many as three or four, but beyond that I am not sure.

Q. In the night-time? A. I don't remember the time of day, sir.

Q. Well, they didn't come there and dig them right up in the day time, did they? A. I don't know.

Q. Well, you know of no watch being set to prevent that? A. No, sir.

Q. Never heard of that? Do you know of any step taken to prevent this grave-robbing; any reward offered, or anything of that kind? A. No, sir; only since the opening of this investigation.

Q. I asked while you were there? A. No, sir; not while I was there.

Q. Very well. Was that kept pretty quiet, that removing of bodies away from there? A. I don't know, sir.

Q. Don't know? A. That was not in my department.

Q. Was it very considerably talked about? A. I never heard much said about it, sir.

Q. Did you ever talk with Thomas J. Marsh about it? A. I have.

Q. While you were there? A. Yes, sir.

Q. Do you know whether it was done in the night-time—the business, the transportation, I believe, was the name for it? A. I think it was done mostly in the night-time.

Q. Do you know of any bodies going in any particular direction? A. I have seen bodies going in the direction of

the graveyard; no other direction, sir; that is, from the dead-house.

Q. I forgot to ask you — I don't know whether it was before your time — did you know of an insane person by the name of Charlotte Anderson? A. Yes, sir.

Q. About what time was she there? A. I cannot say exactly. I think I first saw her in the foundling department. I probably did see her before, but I don't have any recollection of seeing her before she went there with the other attendants to take care of the children.

Q. Where did she come from, do you know from what other institution? A. I don't know. She was insane.

Q. What was the character of her insanity? A. Melancholy insanity. She was quiet at first, and after she had been in the foundling department, where she had the care of children, she became violent and was removed.

Q. She was having the care of children in the foundling department and after awhile she became violent? A. Yes sir.

Q. Do you know, — won't you look into the register and see if you can find when Charlotte Anderson came in?

MR. BROWN. Look in 1876, about the month of August.

Q. Did she die while you were there? A. I don't remember, but it is my impression she did.

Q. She was a young person?

MR. BROWN. [Producing a book.] There is a record of the case if you want it.

GOV. BUTLER. There is no number there. As I don't have the person, you know, that made it, the record is not admissible.

MR. BROWN. I guess you have.

THE WITNESS. Made by Dr. Marston.

GOV. BUTLER. I don't know who made it.

Q. (By Gov. Butler.) She was a young person, wasn't she? A. My impression is she was; between twenty and twenty-five.

[Recess.]

Q. She was a young woman, was she not? A. Yes, sir.

Q. Quite young; say 20? A. I should think she was between 20 and 30 — nearer 20.

Q. Nearer 20? A. Possibly.

Q. She was in the almshouse when you came there, as an insane person, wasn't she? A. I don't know.

Q. You don't know? A. No, sir.

Q. Didn't you know she had been there for some time? A. No, sir.

Q. No? A. I might have known it at the time.

Q. What? A. I might have known it at the time, but I don't now.

Q. She was a harmless insane person, — quite, rather a good-looking girl, wasn't she? A. No, sir: she was not.

Q. She was not? A. My recollections of her are that she was one of the so-called harmless insane. She was not very buxom.

Q. What? A. She was not good-looking, as you had suggested; her skin was very dark.

Q. She was a dark-skin girl? A. Dark-skin girl; I think she was a Swede.

Q. Did you understand she came there from Taunton? A. I don't know anything about where she came from.

Q. Well, we will find that out directly. She was employed in taking care of the children in the foundling room, foundling ward? A. Yes, sir; that is where I saw the most of her.

Q. Was that soon after you got there? A. I don't remember.

Q. When she became violent, was she found to be in a family way? A. I don't remember that, sir. My impression is that she became violent after she was delivered.

Q. Well, at some time while she was employed taking care of the foundlings she became in a family way? A. I don't remember that, sir; I think that it was only after she became a mother that she went to the foundling department.

Q. What was she doing before that? A. I don't remember.

Q. She became a mother? A. Yes, sir.

Q. Well, did you attend the delivery of the child? A. I did not.

Q. About how long after you got there before she became a mother? A. I don't remember.

Q. Well, let us see if this tallies with her. [Referring to a book.] "Charlotte Anderson, Sweden, T. L. H." — what is that? From Taunton lunatic hospital. "February 20, 1875: and died June 3, 1877." Came in 1875, — February, 1875, and

she became with child, and that child was delivered about, sometime,—you came there in July, 1876,—some months after you came there? A. Yes; I think so.

Q. And the child was a living one? It was born alive? A. Yes, sir.

Q. What? A. Born alive.

Q. And, up to the time of the birth of the child, there never had been any symptoms of violence on her part, so far as you know? A. I don't remember any.

Q. You don't remember any? A. No, sir.

Q. And, certainly, her case was a peculiar one. You would be likely to remember it, wouldn't you? A. I only remember, in a general way, about the woman.

Q. I understand; in a general way; but, then, it was a peculiar case, wasn't it, and you would be likely to remember that case, if any? A. All cases are peculiar, sir.

Q. What? How? A. Peculiar in what respect, sir?

Q. Well, don't you see any respect in which that case is a peculiar one, or wasn't it? A. Having a child at the institution; in that respect it was peculiar; yes, sir.

Q. What? A. In that respect it was peculiar; is that what you mean?

Q. No, sir; I will tell you what I mean. Here was a young girl,—how old does the record show her to be?

Mr. RECORDS. Thirty-one.

Gov. BUTLER. The record shows,—here was a girl who came from the Taunton insane asylum, quiet, melancholy, and was an insane patient; she came there in 1875, in February, and was quiet, interfered with nobody; and along some time after July 26, some considerable time afterwards, she was delivered of a child. Don't you call that a peculiar case in that institution, or was it a general case? A. Well, I should say it was peculiar.

Q. Peculiar; very well. Now, being a peculiar case, wouldn't you be likely to remember about her? A. Not necessarily; only, as I have stated, in a general way, I remember her.

Q. Recollect in a general way. Then, the next thing that happened was that she was put in to take care, having become a mother; she was put in with a living child,—how long did the child live? A. I don't remember.

Q. Which died first, the child or the mother? A. That I don't remember, sir.

Q. Had she a child of her own to take care of when she was put into your foundling department? A. She took care of her own child and assisted in the care of the others.

Q. Then she was taking care of her own child while she was in the foundling department? A. Yes.

Q. Yes; and you can't tell me how long that child lived. Did that child have the usual fate: die pretty soon? A. I don't remember how long it lived, sir.

Q. Well, did it die within three months? A. I can't say, sir.

Q. Within two? A. I don't remember whether it lived two months or six.

Q. Two months or six: or whether it died within one? Do you remember anything the matter with the child? Perhaps you have that memory. A. I remember,—no, I don't remember what was the matter with the child, aside from—

Q. Died from some cause? A. Aside from its being the child of an insane woman.

Q. What? A. That is all I know.

Q. Died from being the child of an insane woman? A. No, sir; I didn't say that. Aside from her being the child of an insane woman, I don't know what was the cause of the child's death.

Q. Now, is that any cause of a child's death,—being the child of an insane woman? A. I don't know, sir.

Q. Then why did you put in aside from that you didn't know what the cause was? Now was it before or after her child died that she became violent? A. I don't remember.

Q. What? A. I know this, sir; that she was violent after her child was born, but whether she was violent before I don't know.

Q. That is not the point. She was violent after the child was born and after the child died, perhaps. The question was, was she violent before or after her child died,—the birth of the child is not the point,—after the child died. She had a live child and she was put into that foundling hospital and she became violent,—now, I want to know if you knew enough about the patients which you had under your charge to know whether that woman became violent before or after her child died? A. I don't remember, sir. I know that she was removed from the foundling department because of her violence.

Q. I understand. A. But whether it was before or after the child died, I don't know ; don't remember.

Q. The reason why I asked you, I should suppose you would remember, — although you told me you had forgot a great deal since you left there, — the reason I asked you was, she was not violent until she was got with child by somebody in the institution, and then she was not violent till after her child was born ; then she was put into the foundling asylum and had her own child to take care of, I suppose, — an insane woman herself she would not go there, — and then she becomes violent. Now, what I want to know is whether this poor insane woman became violent at grief over the loss of her child, or whether the violence became prior ; and, I should think, as a physician, it would, be a thing that would have called your attention. A. Well, sir, I don't remember.

Q. It did mine, because I thought I might see a cause. She had always been quiet and melancholy till this thing happened : she still remained quiet and melancholy, so far as you say, till her child might have been killed and she taken violent from that. That didn't strike your attention at all? A. No, sir.

Q. Do you remember her sister's coming to see her? A. No, sir.

Q. Did you ever know her sister attempting to come to see her? A. No, sir.

Q. Did the superintendent, when anybody called to see a party in the insane hospital, did the superintendent usually go in with them into the insane hospital, or one of the nurses, or one of the doctors? A. Sometimes the nurse, sometimes a doctor.

Q. Yes ; but I am asking whether the superintendent? A. Sometimes he went, I presume.

Q. What? A. I don't remember ever seeing him go.

Q. Don't remember ever seeing him go? A. No, sir.

Q. Well, was it any part of the duty of the assistant superintendent to visit the insane ward, the women's ward? A. I don't know.

Q. Don't know whether that was a part of his duty or not? A. No, sir.

Q. Don't know enough about the institution to know that? A. No, sir.

Q. Been there two years in charge of the ward? A. I knew my business.

Q. You knew your business at the time, but have forgotten most of it since: that is the way, is it? A. I have forgotten a good many of the details, sir.

Q. Yes, apparently. Now, then, can you tell whether the woman died before the child? A. No, sir.

Q. Can't even tell whether the child outlived its mother? A. No, sir.

Q. Did you see her in her last sickness? A. I am not positive, sir; I think not.

Q. Who did see her? A. I don't know.

Q. Do you know whether she died in violent struggles or not? A. No, sir.

Q. Don't know anything about it; you were there when she died? A. I was in the institution.

Q. In the institution; and do you know whether you were in the ward, had charge of the ward at the time she died, where she did die? A. I cannot say, positively, sir; I think I did not. I did not have charge of the ward.

Q. Did she die in the hospital, or in the insane ward? A. I don't know.

Q. Then how do you know whether you had charge of it or not? A. Simply because I don't remember.

Q. You know because you don't remember? Well, fortunately, we shall have somebody to trace this matter beyond. I want to ascertain, sir, what is the evidence, — what was the appearance of the children who had syphilis: how did they exhibit it, — in the eyes, generally? A. Well, there were various symptoms. The prevailing symptoms were what is called snuffles; peculiar condition of the mucus membrane of the nose, — swollen nose; and the eyes were congested.

Q. And projected? A. The lids.

Q. Sometimes called syphilitic ophthalmia? A. Yes, sir; but there are different kinds of diseases of the eyes, — syphilitic diseases of the eyes.

Q. But only one kind of syphilitic ophthalmia, I take it, specifically. Now, that was perfectly obvious to anybody, — those who were accustomed to see it? A. Yes; anybody who was read in the matter.

Q. A person who had been accustomed to see it, without reading, would be better able to see it by seeing than any one would by reading? A. Yes.

Q. Then, any decently taught person about children and

the diseases of children — had practice — would readily detect these children with ophthalmia? A. Specific ophthalmia?

Q. Yes. A. No, sir.

Q. What? A. No, sir.

Q. Why not? A. A casual observer —

Q. What? A. A casual observer could not tell.

Q. I didn't ask a casual observer; don't you know I didn't? I asked any person decently skilled in children's diseases by custom, and better that than by reading, as you and I agree, — could they detect a child having that disease? A. A person skilled in diagnoses could; yes, sir; a person accustomed to seeing these cases.

Q. Skilled in diagnoses. A. A person accustomed to seeing these cases.

Q. To seeing these cases; yes. Diagnosis is a long Greek word, but it don't mean much, after all. It means only knowing through the symptoms, doesn't it; so there is no witchery in that. Now, take the other cases of diseases; any person accustomed to babies at all, would know whether they had chronic diarrhœa? A. They would know about the symptom, — the one or two symptoms; but as to the cause —

Q. I don't ask about the cause of the diarrhœa, — whether it was from eating green apples or cucumbers; I was asking of the fact. Wouldn't they know it? A. Yes, sir; in a general way, a person would make the correct —

Q. There would be generally a way of finding it out, I should think, if you can find out anything. Now, what other diseases did you say you found there in the twenty-one? A. Consumption.

Q. Tell that pretty easily. A. Generally. Inanition is another.

Q. That is, they would starve, — be emaciated? A. Yes, sir.

Q. Be emaciated? A. Yes, sir; waste away.

Q. That they could tell easily; but what they could not tell about that is whether good food would bring them up, unless they looked into the causes of inanition, by dissection, and otherwise? A. No; a person could not make a positive —

Q. For instance you and I see that a child is emaciated, — we see that, for some reason, it is starving; now, can we tell, by looking at that child, whether good food and good treatment may not bring it up, or whether it would be impossible that it

should be brought up. — there might be both of those cases? A. Well, sir, we cannot tell, positively.

Q. We should say it would be doubtful what would be the result with that child? A. Because there may be other underlying causes.

Q. There may be others, but that we should see. Now, how many did you find diseased in the twenty-one; all of them? A. I think I said twelve. [Referring to memorandum.] Twelve.

Q. Twelve out of twenty-one; then you will take back your testimony of yesterday that they were all sick? A. No, sir.

Q. Why not? A. Because they were all sick.

Q. Oh, they were all sick; but then you didn't find any evidence of it. Let me see that paper, will you? [Witness handed him memorandum.] July 11, 1862. [Referring to the paper.] You didn't go there till the twenty-second, did you? A. Twenty-second of July?

Q. Yes. A. 1876?

Q. Yes. A. I got there before that.

Q. Before July? A. Before that time, — before the twenty-second.

Q. What time was it? We understood here the twenty-second; it so got down. What date did you go into the foundling business? A. I don't know what date I went to the foundling department.

Q. Did you go into it as soon as you got to the institution? A. I don't remember, sir; I said, yesterday. I didn't remember whether I went there the first three months or not.

Q. The first what? A. The first three months; whether I had exclusive charge.

Q. Whether you took charge for three months. Now, I find on this paper, you go back to July 11, 1866, and put down inanition 10, 2, — 12, isn't it? A. Yes, sir; 12.

Q. Twelve cases. Now, did you treat all these infants? A. I don't remember whether I did or not.

Q. Did you find by your book that you did? A. I find by my books that I made the record of death.

Q. You made the record of death, and simply reckoned inanition. Then, this is a record of what they died of? A. Yes, sir.

Q. Then, they might have come there well, and starved to death for aught you know? A. Those that I had charge of, sir, didn't enter the institution well.

Q. But you had charge of all the foundlings, and, for aught your record shows, they might have come there well and starved to death? A. Well, sir, I might have taken charge of foundlings who entered before my term of service began at that department.

Q. You might have, I know; but did you? A. I don't—

Q. Don't know? A. Yes, sir; I know I did.

Q. You now know you did? A. I know I took charge of infants who entered previous to my service in that department.

Q. Did you take charge before you were appointed? A. Before I was appointed to that department?

Q. Yes. A. No, sir.

Q. Before you were appointed to the institution? A. No, sir.

Q. Very well; now we won't have any difficulty about getting the date of your appointment; there is a certainty about that, you know. A. Positive.

Q. Which we will demonstrate. Now, then, all the book shows is that so many died of inanition; you have no memory upon that subject except what you find in the book. Now, you find chronic,—I don't read the words, sir? A. Enteritis,—inflammation of the bowels.

Q. Chronic inflammation of the bowels, there were 3; phthisis, 1; syphilis, 5. And then we have got April, 1877, to October, 1877, and October, 1877, to April, 1878, and November, 1878. What dates are those? [Referring to the memoranda.] A. Those are the dates that the books cover.

Q. The books cover? A. That is a record of the deaths.

Q. Now, then, is this anything more than that there were so many that died,—1 of phthisis, 3 of inflammation of the bowels, and 5 of syphilis? A. Those here.—that is a record of the cases that died under my care; others died, the record of which is in the book.

Q. The record of which is in the book? A. And does not show on that.

Q. But this is not the record of what they had when they came in, but the record of what they had when they went out? A. Yes; as I said yesterday, there was no record of what ailed them when they came in.

Q. You are not quite correct in that; there is, sometimes. A. I mean I have none.

Q. You don't know; very good. Then, all you produce

here, you have gone, and out of the large number of children, some over a hundred, that were in the institution while you were there. — you have found the cause of death to be, of inanition 12, of phthisis 1, of inflammation of the bowels 3, and of syphilis, 5. Now, let us go to another thing. Are those all foundling children or other children? A. Foundlings.

Q. All foundlings; what is there in the record that shows us that? A. In the stub is the word "condition"; against that is the word "foundling," showing that they were foundlings and not other children.

Q. Then we have got, 12 and 3 are 15; 6 and 15 are 21 children; and that is the record of the death of all those that you can find? A. All I can find; yes, sir.

Q. All you can find, but how they were when they came in in you don't know, except you swear they were sick? A. Yes, sir; I will swear they were sick, but I don't remember, I haven't the means of knowing —

Q. Every one of them was sick? A. What ailed them.

Q. You know that every child that came in there as a foundling was sick? A. Yes sir.

Q. Yes; you so swear. Now, sir, did you ever go to Chardon Street and examine these books? A. Did I ever, sir?

Q. Yes. A. No, sir.

Mr. BROWN. I should be very glad, Governor, to have you put them in evidence. If you don't put them in I shall.

Mr. MELLEN. I was going to interrupt right here.

Gov. BUTLER. Then all this trouble we had, and the vote, were got up simply that there might be a flourish of trumpets about it?

Mr. BROWN. I have a woman here who knows all about the record and I am going to put her on as the next witness.

Gov. BUTLER. All right. If she swears down the record I can't help it. I will put the books in, then, with your leave. We might have saved a good deal of valuable time. She won't swear the legs off a brass pot, I guess.

Mr. MELLEN. Do I understand there is any objection, now, Mr. Chairman?

The CHAIRMAN. If Mr. Brown consents to have the books come in, there is no objection.

Mr. MELLEN. Do Mr. Brown and the chairman run the committee?

The CHAIRMAN. It is for Mr. Brown to say whether he agrees; if he agrees, that ends it.

Mr. MELLEN. Does Mr. Brown run the committee? I understand the committee voted they could not be put in.

The CHAIRMAN. I know the committee so voted.

Mr. MELLEN. Now, if it is Mr. Brown's pleasure, they can go in?

The CHAIRMAN. No, I should object to the books being considered as evidence unless they were proved in some way, even if Mr. Brown offers to put them in.

Gov. BUTLER. They are not proved any more now than they were before.

Mr. MELLEN. Certainly not.

The CHAIRMAN. I know they are not, now; but if you both agree the books are in, then they are in.

Mr. BROWN. I agree that they may be put in for any purpose for which he sees fit to use them.

Mr. MELLEN. I move we reconsider the vote, and I propose, after that—

The CHAIRMAN. I supposed so; I supposed you came in for that purpose.

Mr. MELLEN. Exactly; that is, I came in for the purpose of preventing the chairman or anybody else keeping out evidence that should be in, by reason of having happened to have a majority by accident at the time. Now, sir, I move that the vote be reconsidered.

The CHAIRMAN. What is the object of reconsidering the vote if the books are in?

Mr. MELLEN. Because this committee ought to do business in a matter of fact, business-like way. We have already voted not to admit them; now, in order that they may be admitted legally, we should reconsider that vote. It seems to me we must conform to the practice of deliberative bodies.

The CHAIRMAN. If they are in by agreement why should we go through this form of reconsidering?

Mr. MELLEN. To see whether they shall be put in or not. It is not for you, or for the counsel for the institution to determine; it is for this committee. You are assuming to act.

The CHAIRMAN. If the counsel on both sides agree to put in anything, I think it is in.

Mr. MURPHY. Wouldn't it be a good idea to put Mr.

Mellen's motion, and then discuss whether it is right and legal?

Mr. MELLEN. I think so. I think the chairman should not insist on running this committee as he pleases.

The CHAIRMAN. I don't insist on anything. I think members who are habitually absent ought not to be extremely technical or critical.

Mr. MURPHY. I ask that Mr. Mellen's motion be put.

Mr. MELLEN. It is very dangerous for any fair man who don't agree with you to be absent, because you are very apt to take advantage of their absence to confirm your position.

The CHAIRMAN. I deny it, and I am willing to leave it to the governor.

Mr. MELLEN. Right here, if you talk about technicalities. I believe you sought the position of acting chairman of the committee for this very purpose, and I deny your right to act as you have.

Mr. LEARNARD. I call the gentleman to order.

Mr. MELLEN. I am willing to give you all you wish of this.

The CHAIRMAN. The motion is to reconsider the vote rejecting the Chardon Street books.

Mr. GILMORE. Before that is put, I want to know what evidence is produced or can be produced to show what authority these reports were made upon. My objection is the same as before.

Mr. BROWN. I have a lady here who has been connected with the Home, as I understand, for about eleven years. She had a long interview with His Excellency, yesterday and I shall produce her here immediately, as soon as I have an opportunity, and she will explain how that book is kept.

Mr. GILMORE. Then I am ready to vote for the admission.

Mr. BROWN. This book, as I understand, is kept by one of the matrons of the institution, and not by any physician.

The CHAIRMAN. I understand the books are in by agreement. I think the motion to reconsider will be unanimous.

Mr. MELLEN. I call for the vote Mr. Chairman.

The CHAIRMAN. Those in favor of reconsidering the vote —

Mr. CHAMBERLAIN. Before this is put, Mr. Chairman, I desire to say that, as the reason why I voted not to admit the books was because it was not to be shown us whether a competent

person at that time had charge of the record, now that being shown —

Gov. BUTLER. It is not shown yet, sir ; you have only got a promise. You know it may not be kept.

Mr. BROWN. I will keep it.

Gov. BUTLER. Perhaps.

Mr. GILMORE. There is a good deal here on promises.

Mr. BROWN. If you don't get through examining this witness till July, this one is coming on.

Mr. CHAMBERLAIN. I don't propose to discuss this question with the counsel on either side, either for or against the Commonwealth. I wish to say that I said before this vote was taken, if there could be somebody sent down to the institution and some one brought here so it might be shown, I should be willing to admit the books. I am now.

The CHAIRMAN. I mean to say this, too ; I said, and my only objection was, that we wanted to know who made the record that a child was diseased. That is my only objection to the books. The parties now agreeing the books should come in, I certainly have no objection to the books coming in.

Mr. CHESTER. I have no objection to having the books come in and I don't think it is necessary to reconsider our vote. The objections that actuated me in my vote have been explained, — that is, the witness is here to identify the books and the records, — and I think it is not necessary to reconsider our vote. I am willing the books should come in.

Mr. RISTEEN. It seems to me, Mr. Chairman, that is very proper the vote should be reconsidered and the books admitted.

Gov. BUTLER. I have nothing to do with this part of it, you understand ; I have not altered my position at all.

The CHAIRMAN. I understood the Governor to say he never should offer the books again.

Gov. BUTLER. I have not.

The CHAIRMAN. No ; I understand you agree—

Gov. BUTLER. Not till this vote is reconsidered.

The CHAIRMAN. Now, I understand you agree to have them

11.

Gov. BUTLER. Pardon me ; I make no agreements. I am not going to condone what I believe to be an outrage, with great respect.

Mr. MELLEEN. Mr. Chairman, I think this is a side issue ; now I have made a motion —

Mr. MURPHY. I second the motion.

The CHAIRMAN. Very well, I will put it.

[The motion to reconsider the vote by which the books were rejected was carried unanimously.]

The CHAIRMAN. The question now is on admitting the books.

Mr. BROWN. I can only make the promise. — of course it is not good for much, — but here is the lady sitting here, and if His Excellency will ever conclude with this witness so I can get a chance, and she doesn't die before that time. I am going to put her on.

Gov. BUTLER. I don't propose that my side of this case shall be managed for me by anybody. I make such offers of evidence as I think proper. If the committee reject them they stand rejected and they take the responsibility, and not I. If the committee vote to have this put in I shall, of course, obey the vote of the committee as I obeyed the vote when they said they should not go in.

The CHAIRMAN. I was ready to vote before to admit the books on the promise that somebody should come up and testify as to who made the entries, and I am ready to vote so now.

Gov. BUTLER. I don't believe evidence is admissible upon promises or bargains. It is either admissible or is not.

Mr. BROWN. I will, so far as I am concerned, agree that this examination may be suspended and the lady produced immediately.

Gov. BUTLER. I make no agreement : I insist upon my rights, if I have any ; if not, I will take only what I can get.

Mr. LEARNARD. I should like to know, before the motion is put to admit the books, at whose request they are to be put into the case.

The CHAIRMAN. I don't know.

Mr. MELLEN. I move that the books be admitted. I suppose that question is open.

The CHAIRMAN. The question is whether the books shall be admitted. I presume they are offered by somebody.

Mr. MELLEN. The status of the case, as I understand it, is just this : A motion was made for the admittance of the books ; the motion was voted down : we have just voted to reconsider that vote, and the motion before the committee now is the original motion.

The CHAIRMAN. Whether the books shall be admitted.

Mr. MELLEN, Yes,

The CHAIRMAN. Now, somebody asks who offers the books.

Mr. MELLEN. I proposed myself the raising of that point.

The CHAIRMAN. I supposed Mr. Learnard has as much right to raise a question as any other member of the committee.

Mr. MELLEN. Has just as much right to raise a question, if the purpose of it is to further this investigation: but if it is the mere matter of a quibble for the sake of confusing or offending or bothering anybody, or putting anybody to a disadvantage, I say he nor anybody else hasn't a right to raise a question. I say the matter is before the committee. A motion has been made for the admission of the books and it ought to be acted upon.

The CHAIRMAN. That is the motion; I suppose it is debatable, if any member of the committee desires to debate it, or the counsel.

Mr. LEARNARD. The books, originally, were presented by His Excellency the governor: I want to know, when I vote on the question, whether I am voting on his proposition to admit the books. I shall vote to admit the books, but I want to know who puts them into the case.

Gov. BUTLER. All I can say is, the books have been voted out, and until the committee vote they are competent evidence, I sha'n't offer them again. I have obeyed, and shall continue to obey, the order of the committee. The matter has been before you and your first vote has been reconsidered. Now, I understand that the proper conduct of parliamentary committees, which follow the rules of their own body, require, before anything further is done, that there shall be an actual vote upon the question.

The CHAIRMAN. But that is debatable, like any other question.

Gov. BUTLER. I don't want to debate it. I only want to say I make no bargains.

Mr. BROWN. I will simply say, Mr. Chairman, that, for the purpose of hastening the matter, if there can't anybody else be found who will father the offer of the books, I will do it myself.

The CHAIRMAN. You offer the books?

Mr. BROWN. I do.

Gov. BUTLER. It is not his province to offer the books.

Mr. MELLEN. I object to his offering them.

The CHAIRMAN. Mr. Learnard asked the question —

Mr. MELLEN. Oh, if it suits Mr. Learnard —

The CHAIRMAN. Mr. Learnard asked the question and I suppose he is entitled to an answer.

Mr. CHAMBERLAIN. I should like to know whether it is intended to show whether the person who kept these books,—whether the system is such at the institution, and the person keeping these books was competent to judge of the physical condition of these children.

Gov. BUTLER. I don't propose to show that, sir.

Mr. BROWN. I should say, as to that, Mr. Chairman, that I shall produce the person who kept a part of the record. She will be able to say who kept the other part and what her duties were in the institution. As to her qualifications in all particulars, I cannot show by this witness; but this witness can show what her own qualifications are, and of course that will explain the part of the record which she has made. And I will have the other lady here, if possible, to explain what her qualifications are, so that it will be seen — what I ultimately expect to prove—that that record is absolutely worthless for the purpose for which His Excellency offered it in the first place.

Gov. BUTLER. Mr. Brown will prove what he can prove when he gets ready.

Mr. BROWN. When I get a chance.

Gov. BUTLER. At the proper time. I want these books for cross-examining the witness. I have offered them as books, and for no other reason under heaven than as a public record. This committee voted they should not go in unless somebody told something about something else. I didn't believe that was right. The committee voted that it was right, and I loyally bowed to the vote and went on with something else. Now, a member of the committee has moved to reconsider, and the committee has voted to reconsider. Whenever the committee vote that I may offer the books, taking that vote out of the way, then I shall offer them again. I said then, and I say again, that I never will add anything to these books in order to get them in evidence.

[Mr. Putney called for the question, and the committee voted to admit the books.]

TESTIMONY OF FRANCIS B. RECORDS (*recalled*).

Q. (By Gov. BUTLER.) Now, Mr. Records, I will ask you to aid me on these books, as you have aided me before in this matter. Have you been over them? A. Yes, sir.

Q. In the first place, covering the period from July 22, 1876, down to November 6, 1878, when we know this witness was there, I would like to ask you how many children were sent to Tewksbury by these books from the Chardon Street Home? A. Seventy-one.

Q. Have you been over so as to get the record of their condition, as appears by the books? A. I have.

Q. Won't you give the condition of those infants by that record? A. Doubtful, two; diseased, one; condition not stated, one; good, five; fair, thirty-five; feeble, twenty-seven; total, seventy-one.

Q. Now, have you examined the record and found those children that are on the Chardon Street record and on the record of the Tewksbury almshouse? A. Certain of them; those that I have read, down to twenty-three.

Q. Now, sir, how do you find it in regard to their dying? Whether as many of the good ones died as of the bad? A. Well, for instance, here is one doubtful and one feeble; they are both admitted on the same day and they died on the same day — died about two weeks after.

Q. How about the average length of life, so far as you have gone? A. I should not say it was more than three weeks. Some of them live a month and some two weeks; I should not suppose the average was over three weeks.

Gov. BUTLER. You will finish it out and I will put in the paper to-morrow.

TESTIMONY OF GEORGE E. PUTNEY (*resumed*).

Q. (By Gov. BUTLER.) Now, Dr. Putney, how were those foundlings brought there? Always with a woman nurse? A. I don't know; I didn't see all who were brought there.

Q. Did you see any of them? A. I did.

Q. Those that came from Chardon Street, did they come with a woman nurse? A. I don't know where they came from, but some came with a woman nurse.

Q. Did they come with an officer and a woman? A. I don't know.

Q. When they came there did you see them? A. I remember seeing foundlings there in the custody of women; aside from that I don't know whether an officer came with them.

Q. Did you ever see them come solely in the custody of a man? A. I don't remember.

Q. Now, sir, with this record before you of how these children came, of how these children started from the Chardon Street Home, are you willing to swear that every one of them was sick? A. I am willing to swear that all the children that entered the foundling department while I had charge of it were sick; whether it was half of that seventy-one, or a quarter, I don't know.

Q. Sick when they entered? A. Sick when they came into my charge.

Q. I think that is all, sir, on that point. Now, if I can have that book, I will ask about that matter which I have tried two or three times to get at. Have you children, doctor? A. I have one child, sir.

Q. How old, about? A. I think four years old in August.

Q. Now, can you tell me what was in the box—the one barrel of merchandise that went to Exeter, to Mrs. M. A. Davis, 150 pounds weight? A. No, sir.

Q. Can you tell me about this item: Dec. 20, 1878, Mrs. Kate L. Atwood, Exeter, one hat-rack, 250 pounds weight? A. I don't know anything about it, sir.

Q. Can you now tell me about the box, 150 pounds weight, paid at the station sent from, to Charles E. Atwood, Exeter? A. No, sir.

Q. Can you tell me what was in all the four cases and one trunk of merchandise which went on the 27th of November, 1878, to Reading; freight paid from the station sent from? A. I cannot say, sir.

Q. Can you tell me what was in them? A. I don't know as I can tell you everything, sir; but the principal bulk, or principal weight, was books.

Q. Now, will you tell me whether you received a baby crib? A. I did.

Q. Weighing 400 pounds? A. No, sir; it did not weigh that.

Q. Well, this is the record. Was there anything in that box but a baby crib? A. I think so; a mattress and a pillow.

Q. A mattress and pillow. Anything else? A. I don't remember anything else.

Q. Will you swear there was not anything else? A. No, sir; I would not swear there was not anything else; there might have been.

Q. Don't tell me what there might have been. There might have been inmates' dresses, you know? A. No, sir; that was impossible.

Q. Why? We will agree, for the sake of being good-natured, that it was improbable, but why was it impossible? A. Because, sir, if there had been anything of the kind, I should have remembered it.

Q. Now, then, will you tell me, do you know about how much would that baby crib, pillow and mattress weigh? A. Well, sir, I think possibly forty or fifty pounds.

Q. Yes, I should think very likely. A. And the case would weigh nearly as much; it was a skeleton case.

Q. And you remember it was a skeleton case? A. I do.

Q. That came from Tewksbury? A. I presume it did, sir.

Q. Didn't you know it did? A. I didn't see it start from there, sir.

Q. Did you expect it when it came? A. I expected a crib from Tewksbury.

Q. Did you expect this crib? A. I expected a crib from Tewksbury, and I presume that was the one.

MR. LEARNARD. I submit that we have been here three hours, and that it is time to adjourn.

MR. BROWN. I would like, if the committee desire it, to call the lady who is present to testify in regard to these books.

GOV. BUTLER. You shall have the books and the list.

MR. BROWN. Have you completed with Dr. Putney?

GOV. BUTLER. Yes, unless something occurs to me that I don't think of now.

MR. BROWN. If the committee don't desire to adjourn at once I can finish with Dr. Putney to-day. Dr. Putney is here at great personal inconvenience, on account of his business.

GOV. BUTLER. It is half-past twelve now, sir, and I have made arrangement of my business and directed people to come here at a little past twelve.

THE CHAIRMAN. I am ready to adjourn. I want to ask Dr. Putney one or two questions if the committee don't object. Perhaps we had better adjourn.

Adjourned to meet on Thursday, May 24, at 9.30 A. M.

THIRTY-SEVENTH HEARING.

THURSDAY, May 24.

The Committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

GEORGE E. PUTNEY (*recalled*).

Re-direct examination by Mr. Brown.

Q. Dr. Putney, His Excellency questioned you yesterday in regard to your knowledge of bodies which were taken from the grave after burial. Will you state the circumstances: whether you ever knew of any body that was taken from the grave after burial, except for the purpose of being sent to friends? A. I never knew of any body being taken for any other purpose — from the grave, you say?

Q. Yes. Now, Doctor, you have spoken in regard to those foundlings, and I want you to state definitely when, after they reached the hospital, were they examined; that is, so far as your experience went. A. So far as I was concerned, they were examined shortly after they entered. It was the custom for the nurse in attendance to notify me that one or more foundlings had arrived, and at my earliest opportunity, as a rule, I went to the department to attend to them.

Q. Now, you say at the earliest opportunity. A. Well, when other business would allow.

Q. Would that be on the same day? A. The same day: probably within an hour or two.

MR. BROWN. Now, your Excellency, will you allow me to see that little statement prepared by Mr. Records.

GOV. BUTLER. Send down for Mr. Records, and tell him to bring up the statement and the records of the Chardon Street Home.

MR. BROWN. I will pass to something else.

Q. Something has been said to you, on cross-examination, in regard to the manner in which Capt. Marsh lived at his table. I want to know how he lived during the period you were there,

compared with the manner in which you live now, — that is, as to quality of food, and style of living? A. Well, I should say, sir, that the living—that there was no material difference.

Q. Between what? A. Between my living at present —

Gov. BUTLER. Pardon me; I object, because then we will have to go into an examination of how he lives now.

[A question, “Do you live extravagantly now?” with the answer made by witness, on objection of Gov. Butler, was ordered by the chairman to be stricken out of the record.]

Q. Doctor, I want you to explain to this committee fully what you mean by the term inanition. A. It is a condition of the digestive organs that prevents the assimilation of food.

Q. So that the body of the patient so affected is not nourished in all its parts? A. Precisely.

Q. And the food continues through the canals of the body without having its nutritive qualities taken out? A. The food passes through the intestinal track without all of its, or with only a small portion of its nutritive properties, abstracted and taken into the system.

Q. So that a child dying from inanition would present the appearance of being very poor in flesh, and yet its stomach and intestines might have a large amount of food? A. Precisely.

Q. Is that so? A. That is so.

[Exhibit and record-books of Chardon Street Home produced by Mr. Records.]

Mr. BROWN. [Referring to the exhibit.] Is this the one we had yesterday, Mr. Records?

Mr. RECORDS. No; that includes the one of yesterday. This is completed.

Gov. BUTLER. It is complete clear through now. Suppose we formally put it into the case?

Mr. BROWN. It strikes me you have got this a little different from what you had it yesterday. Where is your recapitulation? You have got nothing under the head of “Good,” and no recapitulation.

Mr. RECORDS. This is simply a continuation of the first column.

Mr. BROWN. It don't appear whether it is the same or something else.

Gov. BUTLER. Put over that that it is continued. This, now, is the completed record, the completed examination, which Mr. Records had not finished yesterday, and which we will now put

in. He went down twenty-three names yesterday you will remember.

MR. BROWN. And, as I understand your Excellency, this is a complete statement and analysis of the record of the Chardon Street Home from July 22, 1876, to November 6, 1878?

GOV. BUTLER. Inclusive: which was the time during which Dr. Putney was at Tewksbury.

MR. RECORDS. That is, compared with the record at Tewksbury.

MR. BROWN. That is to say: here is a record, No. 239, that is the number at the Chardon Street Home; the date July 22, 1876, shows the time when the foundling was received at the Chardon Street Home, and the date July 25, 1876, shows the date when the child reached the almshouse at Tewksbury; and the number at the right is the register number at the almshouse?

MR. RECORDS. Taken from the register at Tewksbury.

GOV. BUTLER. It takes the child as he was recorded at the Chardon Street Home, places him in Tewksbury, and gives his record there.

MR. BROWN. I think if the committee has no objection the reporter could put that into the report in tabular form.

GOV. BUTLER. It shows the record at Chardon Street Home and the register at Tewksbury. And I want to say one thing further; when a child goes into Tewksbury there is but one record of him as to his condition, — “foundling,” — with one single exception, and that is stated as “feeble.”

THE CHAIRMAN. That appears on the register.

GOV. BUTLER. Yes, sir.

MR. BROWN. And I also understand that this classification “doubtful,” “feeble,” “fair,” “good,” “diseased,” “not stated,” is the classification found on the register of the Chardon Street Home.

MR. RECORDS. Chardon Street Home.

MR. BROWN. But the classification at Tewksbury is simply “foundling?”

MR. RECORDS. Except in one instance, and that is stated “feeble.” It died within a few days.

MR. BROWN. Very well; now, Mr. Records, I don't see any footing up of these columns.

MR. RECORDS. I have not footed them up; I will.

GOV. BUTLER. There was a footing put in yesterday I am certain. It was 71 in all; doubtful, 2; diseased, 1; condition not stated, 1; good, 5; fair, 35; feeble, 27.

[The following is the table submitted.]

	Received at Chardon St. Home.	Received at Tewksbury.	Doubtful.	Feeble.	Fair.	Good.	Disseased.	Not stated.	Age.	Number.	Date of death.	Time in the Institution.
239	1876. July 22,	1876. July 25,	.	1	-	-	-	-	-	49,313	1876. Aug. 12,	18 days.
240	Aug. 12,	Aug. 17,	.	-	1	-	-	-	-	49,455	Sept. 2,	16 "
241	Aug. 16,	Aug. 17,	.	1	-	-	-	-	-	49,454	Sept. 2,	16 "
242	Aug. 27,	Sept. 13,	.	-	-	1	-	-	-	49,614	Oct. 13,	30 "
243	Sept. 7,	-	.	-	1	-	-	-	-	49,584	Oct. 5,	28 "
244	Oct. 13,	Nov. 11,	.	-	-	1	-	-	-	50,663	Dec. 19,	38 "
245	Nov. 5,	Nov. 15,	.	-	1	-	-	-	-	50,678	Dec. 21,	36 "
246	Nov. 7,	Dec. 19,	.	-	-	-	1	-	-	50,963	1877. Jan. 12,	24 "
247	Nov. 23,	Nov. 24,	.	-	1	-	-	-	-	50,731	1876. Nov. 24,	-
248	Dec. 17,	Dec. 18,	.	-	1	-	-	-	-	50,964	1877. Jan. 2,	15 "
250	Dec. 27,	Dec. 30,	.	-	1	-	-	-	-	51,063	Jan. 18,	19 "
252	1877. Jan. 1,	1877. Jan. 6,	.	-	1	-	-	-	-	51,121	Jan. 13,	7 "
253	Jan. 13,	Jan. 18,	.	-	-	1	-	-	-	51,226	Feb. 1,	14 "
254	Jan. 16,	Jan. 17,	.	-	1	-	-	-	-	51,218	Jan. 23,	7 "
255	Jan. 13,	Jan. 18,	.	-	1	-	-	-	-	51,227	Feb. 10,	23 "
257	Jan. 23,	Jan. 24,	.	-	1	-	-	-	-	51,286	Jan. 26,	2 "
259	April 27,	May 8,	.	-	-	-	1	-	-	52,012	June 6,	23 "
261	April 30,	May 8,	.	-	-	1	-	-	-	52,013	June 1,	23 "
263	May 29,	-	.	-	1	-	-	-	-	52,157	June 3,	5 "
264	June 1,	June 4,	.	-	-	1	-	-	-	52,187	July 9,	35 "
265	June 13,	June 14,	.	-	-	1	-	-	-	52,255	June 23,	9 "
266	June 19,	-	.	-	-	1	-	-	-	52,288	June 24,	5 "
267	July 17,	July 20,	.	-	-	1	-	-	-	52,480	Aug. 25,	36 "
268	Aug. 2,	Aug. 3,	.	-	1	-	-	-	-	52,562	Aug. 9,	6 "
269	Aug. 10,	Aug. 13,	.	-	-	1	-	-	-	52,625	Aug. 20,	9 "
271	Aug. 20,	Aug. 21,	.	-	-	1	-	-	-	52,678	Sept. 4,	14 "
273	Aug. 22,	Aug. 23,	.	-	1	-	-	-	-	52,649	Sept. 3,	11 "
274	Aug. 25,	Sept. 4,	.	-	-	-	1	-	-	52,770	Sept. 8,	4 "
275	Sept. 1,	Sept. 3,	.	-	1	-	-	-	-	52,787	Sept. 10,	7 "
276	Sept. 3,	Sept. 4,	.	-	-	1	-	-	-	52,771	Sept. 12,	8 "
277	Sept. 5,	Sept. 7,	.	-	-	1	-	-	-	52,797	Sept. 15,	8 "
278	Sept. 12,	Sept. 13,	.	-	1	-	-	-	7 days.	52,831	Sept. 20,	7 "
279	Sept. 16,	Sept. 18,	.	-	-	1	-	-	30 "	52,864	Sept. 28,	10 "
280	Sept. 20,	Sept. 21,	.	-	1	-	-	-	14 "	52,876	Nov. 9,	49 "
281	Oct. 1,	Oct. 2,	.	-	1	-	-	-	14 "	53,644	Oct. 12,	10 "
282	Oct. 12,	Oct. 13,	.	-	-	1	-	-	60 "	53,715	Oct. 22,	9 "

	Received at Chardon St. Home.	Received at Tewksbury.	Doubtful.	Feeble.	Fair.	Good.	Diseased.	Not stated.	Age.	Number.	Date of death.	Time in the Institution.
283	1877. Oct. 17,	1877. -	-	1	-	-	-	-	7 days.	53,735	1877. Oct. 23,	6 days.
284	Nov. 5,	Nov. 7,	.	-	1	-	-	-	3 "	53,879	Nov. 20,	13 "
285	Nov. 8,	Nov. 10,	.	-	1	-	-	-	21 "	53,899	Nov. 19,	9 "
286	Nov. 10,	Nov. 12,	.	-	1	-	-	-	3 "	53,904	Nov. 21,	9 "
287	Nov. 17,	Nov. 21,	.	-	-	-	-	1	7 "	53,957	Nov. 30,	9 "
288	Dec. 3,	Dec. 4,	.	-	1	-	-	-	7 "	54,038	Dec. 12,	8 "
289	Dec. 14,	Dec. 18,	.	-	-	1	-	-	14 "	54,125	1878. Jan. 7,	20 "
290	Dec. 27,	Dec. 29,	.	-	1	-	-	-	14 "	54,185	Jan. 9,	11 "
291	Dec. 29,	1878. Jan. 1,	.	-	1	-	-	-	14 "	54,195	Jan. 9,	8 "
292	1878. Jan. 21,	Feb. 26,	.	-	-	1	-	-	-	54,513	Mar. 5,	7 "
293	Feb. 18,	Feb. 28,	.	-	1	-	-	-	21 "	54,512	Mar. 7,	9 "
294	Mar. 6,	Mar. 8,	.	-	1	-	-	-	3 "	54,556	Mar. 17,	9 "
295	Mar. 13,	Mar. 14 or 15,	-	-	1	-	-	-	7 "	54,577	Mar. 23,	9 "
296	Mar. 23,	Mar. 29 or 30,	-	-	1	-	-	-	28 "	54,649	May 8,	40 "
297	April 6,	April 15,	.	-	1	-	-	-	28 "	54,691	July 7,	83 "
298	April 22,	April 24,	.	-	1	-	-	-	7 "	54,751	Apr. 29,	5 "
299	April 22,	April 24,	.	-	1	-	-	-	3 "	54,750	July 5,	72 "
300	April 24,	-	-	-	1	-	-	-	14 "	54,749	May 11,	17 "
301	April 25,	May 4,	.	-	1	-	-	-	10 "	54,808	June 25,	52 "
302	May 1,	May 4,	.	-	1	-	-	-	14 "	54,807	June 27,	54 "
303	May 10,	May 23,	.	-	1	-	-	-	42 "	54,901	July 7,	45 "
304	May 21,	May 23,	.	-	1	-	-	-	7 "	54,902	June 9,	17 "
306	June 2,	July 18,	.	-	1	-	-	-	28 "	54,196	Aug. 12,	25 "
307	June 12,	June 19,	.	-	1	-	-	-	42 "	55,034	July 7,	18 "
308	June 21,	June 24,*	.	-	-	-	1	-	14 "	55,057	July 2,	8 "
310	Aug. 3,†	-	-	-	1	-	-	-	210 "	55,190	Aug. 25,	22 "
309	July 16,	July 18,	.	-	1	-	-	-	28 "	55,195	July 24,	6 "
311	Aug. 7,	Aug. 9 or 15,	-	1	-	-	-	-	9 "	55,327	Aug. 19,	4 "
312	Aug. 20,	Aug. 21,	.	-	1	-	-	-	7 "	55,367	Sept. 26,	36 "
313	Aug. 21,	Aug. 23,	.	-	1	-	-	-	7 "	55,383	Sept. 15,	23 "
315	Sept. 19,	Sept. 20,	.	-	1	-	-	-	5 "	58,540	Oct. 20,	30 "
317	Sept. 24,	Sept. 26 or 27,	-	-	1	-	-	-	365 "	55,572	1879. May 3,‡	-
318	Oct. 21,	Oct. 25,	.	-	1	-	-	-	42 "	56,390	Nov. 9,	15 "
320	Oct. 21,	Nov. 4,	.	-	1	-	-	-	7 "	56,430	Mar. 14,	10 "
322	Nov. 6,	Nov. 7,	.	-	1	-	-	-	5 "	56,451	Dec. 16,	42 "
Totals,			2	27	35	5	1	1				

* Feeble.

† Abandoned.

‡ Dis. May 3, 1879.

Q. (By Mr. BROWN.) Now, from this record, Doctor, I find that at the Chardon Street Home, when these children were received, only five of them are designated as good out of 71. Others are classified as "diseased," "fair," "feeble," "doubtful," and "not stated." Does that record in any way refresh your recollection as to what the fact was when they reached Tewksbury, as to the fact of their condition? A. Well, it only goes to confirm my statement that they were all sick when I took charge of them. I don't know that all tabulated there came into my care.

Q. This record shows that out of 71 only 5 were designated as good. Whether or not you recollect that out of those received while you were there any could be said to be good? A. Well, any received in my department were not good when I took charge of them.

Gov. BUTLER. Why does he say "in my department?" Perhaps it would be well to find out.

Mr. BROWN. He means received in the foundling hospital.

Gov. BUTLER. They are all foundlings.

The WITNESS. I mean while I had charge of the foundling department.

Gov. BUTLER. Every one is a foundling, and every one is received there.

Mr. BROWN. I should, perhaps, say, by way of explanation, that on this paper 1-52 means one week old.

Mr. RECORDS. Yes; and in the same way 2-12 means two months old: that is just as it appears in the register. There are one or two instances, or perhaps more, where there is a difference in dates between the time that the record at Chardon Street Home said they were sent and their receipt at Tewksbury, as the register shows. And, in that case, I have given an alternative date.

Q. (By Mr. BROWN.) Now, Doctor, your attention has been called to the patient, Charlotte Anderson, and you have been interrogated about her. I wish you would look at that book [book produced], and tell me what that book is, if you know, and whether you ever saw it before? A. I have seen it before, and recognize my handwriting.

Q. In it? A. In it.

Q. Won't you turn to a page where your handwriting exists. A. Well, it happens to be opened to such a page.

Q. Now, what was that book kept for? A. It is a record

of patients, their physical condition, and a history of their cases, more or less complete, during their stay in the hospital.

Q. Was that kept as a part of the record of the hospital?
A. It was.

Q. And whether or not anybody who happened to be in charge of the hospital was under obligation to make a record there during the period while they were in charge of the different patients? A. That was the rule, sir.

Q. Now, will you turn to the record of Charlotte Anderson, if any exists there. A. I have it here, sir.

Q. (By Gov. BUTLER.) Let me see it before it is put in. Is this in your handwriting? A. No, sir.

Q. Whose handwriting is that? A. I think that was written by Dr. Marston.

Q. (By Mr. BROWN.) Was he one of the physicians there in charge? A. He was.

Q. At the same time you were there? A. At the same time; yes, sir.

Q. (By Gov. BUTLER.) Is Marston alive or dead? A. He was living, the last I knew.

Mr. BROWN. He is alive, and practising in Lawrence. I have sent for him. I wanted to call this doctor's attention to it, to show what the record was and to show what the book was.

Gov. BUTLER. When Dr. Marston comes, we will deal with it.

Mr. BROWN. He will be here.

Q. (By Gov. BUTLER.) I want to ask you a single question. Do you know any rule or regulation of Tewksbury that requires that to be kept? A. Any rule of the trustees? It is the request of the chief physician at his request. I don't know of any rule.

Q. I want to ask still further; is it a history of all the people that died, their disease and condition? A. No, sir.

Q. Is it the history of any considerable portion of those that died? A. It is the history of a portion.

Q. A considerable proportion? A. Any portion is considerable, sir.

Q. One would be a considerable portion? A. Yes, sir.

Q. Well, sir, do you think that a fair statement under oath to the question? A. I do.

Gov. BUTLER. That is all, sir.

Mr. BROWN. If there were but two it would be a half, Governor.

Gov. BUTLER. If you are satisfied with the testimony, I am.

Q. (By Gov. BUTLER.) I want to ask you one other question. Did you leave there before or after you were married?

A. I left there before.

Q. How long? A. I cannot give you the number of hours. It was not over a day.

Q. You left, and were married within twenty-four hours afterwards. Now, do you know Mrs. Robert C. Winthrop? A. I have seen the lady at Tewksbury.

Q. She was one of the advisory board, was she? A. She was.

Q. Did she have anything to do with your leaving? A. No, sir.

Q. Did her complaint have anything to do with it? A. No, sir.

Q. Did she make any? A. I never heard of any, sir.

Gov. BUTLER. That is all, sir.

The CHAIRMAN. Wait a moment, Doctor.

Q. (By the CHAIRMAN.) You said these children that came from the Chardon Street Home were all sick when they reached Tewksbury? A. I beg pardon; I said all who came under my charge were sick.

Q. I wish you would give the committee a detailed statement of their external appearance and physical condition. A. You mean take a fair sample?

Q. Yes, take any of them. A. Well, as they were brought in they were generally dirty from having vomited sour milk. The nurse-bottles contained cold sour milk, coagulated milk, and they were crying and were squalid and appeared miserable.

Q. How as to nourishment; did they look as if they had been ill-nourished or well nourished? A. So far as I recollect the great majority of them looked as though they had been poorly nourished.

Q. How were they clad? A. Well, the material was for the most part good but soiled. I inferred it was soiled during the passage.

Q. Some of them you say died immediately? A. I don't remember the particulars concerning any one case that died immediately; but I know that while I had charge of them there were a number of cases.

Q. Do you know of any having died on the passage in the cars? A. I cannot swear to that sir, although I am pretty sure of it.

Q. While you had charge there, was there an excess of morphine given to those children, or to any patients? A. I never knew of any morphine, or any preparation containing opium, being given to children, without direction from the physician in charge.

Q. Was there any complaint on the part of anybody, so far as you know, of an excess of morphine? A. Never.

Q. While you were there? A. Never.

Q. The symptoms you speak of,—a child vomiting, dying by vomiting,—would that be a symptom of death by morphia? A. No, sir; it would be a symptom of death due to intestinal disorders, one or more.

Q. And there are many, are there not? A. There are; yes, sir.

Q. Do you know whether there was an assorting of children at the Chardon Street Home before they were sent? A. I do not, only by hearsay, that the best were sent to other places.

Gov. BUTLER. I think as we are to have the matron here—

The CHAIRMAN. I simply asked whether he was aware of the fact or not.

The WITNESS. I am not positive.

Q. (By the CHAIRMAN.) Dr. Dixwell, I think, used the word “viable” with regard to children whose bodies he saw at the medical school. A. Capable of life.

Q. What do you say of the children that came from the Chardon Street Home as to being “viable?”

Gov. BUTLER. Capable of life.

The WITNESS. Well, sir, I don't know what children came from the Chardon Street Home; but as regards the word “viable,” as applied to foundlings, nobody could say that a child was not viable while it was breathing, unless it was *in articulo mortis*.

Q. He also spoke of the bodies at the medical school being clad in lace and insertion, to use his own phrase, showing that nice people had them. Did you recognize any such at Tewksbury? A. I never saw any clothed in lace.

Q. Trimmed up? A. Never saw any foundlings.

Q. Never saw any you would recognize by that dress?—

Gov. BUTLER. This gentleman is only speaking five years after Dr. Dixwell's time.

The CHAIRMAN. I understand.

Q. (By Mr. CHAMBERLAIN.) Did I understand a very large percentage of the bottles that came with the children, and from which they were fed, contained sour milk—milk that had soured on the way? A. I don't remember of seeing a bottle that did not contain milk that was unfit for a child to nurse.

Gov. BUTLER. You ought to clean out Charles G. Homans, then.

Q. (By Mr. CHAMBERLAIN.) I understood you to say a large proportion of milk was sour in the bottles. A. There is no doubt but what they started all right.

Q. (By Gov. BUTLER.) One moment, with reference to the matters brought out by the committee. Chardon Street Home is just close here by the Boston & Lowell Railroad, isn't it? Do you know where it is? A. Yes, sir.

Q. And the Lowell Railroad runs to Tewksbury? A. Yes, sir.

Q. And the passage is about 45 minutes, is it not? A. I think that is about it.

Q. Now, in a clean bottle, proper milk furnished to an infant, would it, as a rule, sour in 15 minutes? A. It would depend on the time of year, sir.

Q. Your testimony covered all seasons of two years, when you gave it to us, about the bottles. The committee was kind enough to give you the leeway of a large per cent. When you first testified you did not make any percentage; it was all. Now, do you mean to say it would cover all seasons? Now, then, do you mean to say these children came in the various dresses that would be put on by various mothers, or in a uniform dress? A. I don't know how they would come from Chardon Street, but I know they were not all dressed alike.

Q. How many came from Chardon Street? You think you didn't have 50 all told while you were there. We have got 71 that went to Tewksbury, so we have got 21 more than you thought of. Did those that you supposed came from Chardon Street have a uniform dress? A. I did not make any supposition, sir. It was not my business to know where they came from; I took them as they were delivered to me.

Q. Now, did any considerable number of those delivered have a uniform dress? A. I don't remember what proportion.

Q. Well, can you tell me anywhere near the proportion?
A. No, sir.

Q. Whether one-half, one-third, or three-quarters, or any?
A. No, sir.

Q. Were they uniformly squalid and dirty? A. They differed in appearance.

Q. Were they, as a rule, squalid and dirty? A. They were; those that I received.

Q. As a rule squalid and dirty. Well, now, by dirty, do you mean anything more than that the child had vomited,—by squalid I mean more than that, a little,—that they started clean and got dirty on the voyage; do you mean anything more than that? A. Well, in speaking of a squalid child, I mean one who appeared to have been poorly nourished, emaciated, clothing soiled by sour milk, and napkins soiled.

Q. Now, I am coming to still another thing; do you mean that the clothing bore evidence that they started in that condition, or only what had happened on the road? A. I cannot say, sir.

Q. Well, yes, you can if you will. You can tell what you mean. I am asking what you mean. A. Some of them appeared to have been longer in that condition than others.

Q. As a rule, did they appear to have been left dirty, in sour clothes and unchanged napkins, for a considerable length of time, so as to affect their health? A. What do you mean? What would you have me understand by a considerable length of time?

Q. I mean longer than — long enough to have affected their health. I suppose a child's napkin need not be changed in forty-five minutes to affect their health, or say an hour and a quarter to give time to make connection. I want to know whether you think they had been in that condition for a considerable length of time. A. I should judge some of them had been in that condition a longer time.

Q. How much? A. Well, I should say for two hours.

Q. Any of them that had been in that dirty condition more than two hours? A. I don't know. I know that some of them came from the western part of the State.

Q. Ah! how accurately you know about those that came from the western part of the State. Why not about those from the Chardon Street Home? A. Those cases were necessarily more dirty than others.

Q. Then they were only as dirty as necessary, were they? Necessarily more dirty is as dirty as necessary. Necessarily more dirty gives you a longer distance. A. I knew the case; I was only getting at your idea.

Q. Where did they come from in the western part of the State? A. I don't know.

Q. How do you know they came from the western part of the State? A. Only by what was told me.

Q. How many of them were there? A. I don't know.

Q. Did they come all at a time? A. No, sir.

Q. Did they come in numbers at a time? A. I don't remember whether there was more than one at a time.

Q. Now, did any of these children that came look — as a rule, did those children that came look as though they had been neglected? A. Some of them did.

Q. As a rule? — Life is short. — That will do, sir.

TESTIMONY OF MISS ADELINE E. CROCKETT (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Adeline E. Crockett.

Q. What is your business? A. Matron of the Chardon Street Home.

Q. How long have you been matron of the Chardon Street Home? A. It is two years last March since I became matron.

Q. Two years last March? A. Yes, sir.

Q. How long have you been connected with the institution? A. Ten years. On the tenth of next August I shall have been there eleven years.

Q. What relation have you sustained to the home, what official position, prior to the time of your being matron? A. Assistant matron.

Q. During that entire period? A. Yes, sir.

Q. Nearly eleven years? A. Assistant matron and matron the whole time; yes, sir.

Q. Now we have here some records from the Chardon Street Home. This is volume one. On page one I find the first date "When brought to the Home," Dec. 23, 1868. I don't think I understand when that does commence? A. I think it is in the other book, sir.

Q. Is that your handwriting on page one, volume one? A.

No, sir; there are none of these books in my handwriting, not until up to two years ago.

Q. In whose handwriting are these? A. Mrs. Spear's, Mr. Doe's, and his clerk's.

Q. Mrs. Spear; who was she? A. She was the matron at the time.

Q. When you were assistant matron. And who was Mr. Doe? A. He was the superintendent.

Q. And who was his assistant? A. His name was William Valise.

Q. Now, I want you to tell me whether either of these books were kept by a physician? A. No, sir.

Gov. BUTLER. I don't hear your answer.

Q. Whether in either of these books the record was kept by a physician? A. No, sir; they were not.

Q. Since you have been matron do you make the record? A. Yes, sir.

Q. In making the entry as to the condition of the child — I see here the expression "Condition" on the margin; in relation to Alfred Gibbons, it says "Healthy." Now, upon what examination do you make that record?

Gov. BUTLER. She didn't make that record.

Mr. BROWN. No, but this is an illustration.

The WITNESS. Upon her own best judgment.

Q. Your own best judgment? A. Yes, sir.

Q. Of course you consider that something, because you have had the handling of so many? A. I feel that it is.

Q. Now, whether or not any of these children are examined by a physician at the Chardon Street Home before they are sent to Tewksbury? A. Not unless one is sick and we call a physician.

Q. Now, for instance, take a child in this record where you use the expression "Doubtful," would you call a physician in regard to that? A. No, sir.

Q. What is your custom? A. We should send it away and not attempt to keep it.

Q. Now, is there any selection of children received at the Chardon Street Home — any sorting out? A. We always keep the best and send the poorest away.

Q. Send the poorest where? A. To Tewksbury.

Q. Send the poorest to Tewksbury? A. Yes, sir.

Q. Now, where do the best go to? A. If they prove good and we have a chance for adoption they are adopted.

Q. Supposing there were no chance for adoption? A. They would be kept quite a long time and then sent.

Q. Do you mean sent to Tewksbury? A. Yes, sir.

Q. Do you know an institution called the Massachusetts Infant Asylum? A. Yes, sir.

Gov. BUTLER. That is, now.

Q. Do they receive children from the Chardon Street Home? A. At that time, or now?

Q. No, now? A. Yes, sir.

Q. How long have they been receiving children from the Chardon Street Home? A. Since 1879; but occasionally there has been one sent before that.

Q. Now, Miss Crockett, I want you to tell the committee — during the years 1876, '77, '78 you were at Chardon Street Home and were assistant matron? A. Yes, sir.

Q. You saw the children that were brought in there? A. Yes, sir.

Q. I want you to tell the committee, what according to your judgment was the condition of those children? A. The majority of the children were poor.

Q. You mean poor in health? A. Well, poor in health and poor in flesh.

Gov. BUTLER. I didn't get the majority.

Mr. BROWN. The majority were poor in health and poor in flesh.

Q. And what proportion of the children should you say showed indications of disease, as syphilis, or anything of that kind?

Gov. BUTLER. Is she now speaking from the record, or from memory?

Mr. BROWN. Now from memory.

The WITNESS. I don't know; because I am not enough acquainted with disease to know. If they were sick, I knew they were sick, but not the cause of sickness.

Q. Now, as to the condition of the children when they were received at the Chardon Street Home; that is, the foundlings? A. Physically?

Q. Yes. A. Some were feeble, some were sick, and some were dying.

Q. Well, now, as to dying; you have some that die immediately? A. Yes, sir.

Q. How soon after they got into the home? A. Before I would get up two flights of stairs.

Q. Die in your arms? A. Yes, sir.

Q. Before you got up two flights of stairs? A. Yes, sir.

Q. From what cause, apparently? A. Well, I cannot tell.

Q. You don't know from what cause? A. No, sir.

Q. Now, Miss Crockett, was your attention ever called to this fact, that a large number of the foundling children had been drugged before they were brought to the home? A. A great many of them.

Q. What proportion of the foundling children received at the home showed indications of that? A. We often have them; a great many times we have them.

Q. Now, as to the clothing of these foundling children? A. Some come fairly clothed and some without any clothing at all.

Q. Do they frequently come with their clothing trimmed with lace or embroidery? A. Sometimes trimmed with lace, but of the very cheapest; sometimes with embroidery.

Q. Now, who makes the selection, or who sorts out these children that are sent to Tewksbury? Or who did during 1876, '77, '78? A. Well, the matrons.

Q. Is Mrs. Spear here this morning? A. No, sir.

Q. You have conveniences for keeping these children at the home temporarily? A. Yes, sir.

Q. You have nurses? A. Only as the inmates take care of them.

Q. You have no paid nurses? A. No, sir.

Q. Now, what is your means of sending these children to Tewksbury, that are ordered to be sent there? A. They are sent by one of the inmates in charge of an officer from No. 30 Pemberton Square.

Q. That is, an inmate from the Chardon Street Home — A. Carries the child.

Q. Carries the child? A. Yes, sir.

Q. And you go by the Lowell Railroad, I suppose? A. They do now; they used to go by the Boston and Maine, I think.

Q. What is the greatest number you ever knew to go at one time? A. Well, I have sent two, and I think three, at once.

Gov. BUTLER. Is this between 1876 and 1878? Was that between 1876 and 1878 that you sent two or three at a time? A. I could not tell; I could not tell you the years.

Cross-examination by Gov. Butler.

Q. Have you children of your own, madam? A. No, sir.

Q. And these books are in Mrs. Spear's writing? She was the matron? A. She was the matron, I think, nearly ten years.

Q. Ten years? A. I think so.

Q. Do you know whether she was the mother of children, or had been at some time or other? A. I think she has.

Q. Now, we will take a given child that comes in there; either the matron or the assistant matron receives it? A. Yes, sir.

Q. And I suppose you examine it? A. Yes, sir.

Q. Because we find a description of it here? A. Yes, sir.

Q. And you put down what you find on examination; or if you examine it the matron puts it down, or if she examines it you put it down? A. She puts it down; I do no writing at all.

Q. But you go to her with a child—before you were matron—if you are an assistant, you examine it, and she examines it, and she puts it down? A. Yes, sir; I examine it and tell her what the condition is. She does not always examine, because I have charge; sometimes she does and sometimes not.

Q. And you put it down, or she puts it down, honestly and fairly—you do at any rate when you are matron—honestly and fairly what you find the condition of the child to be? A. Yes, sir.

Q. And you put down, whenever you know about it, about how old it is? A. Yes, sir.

Q. As, for instance, we find it sometimes; here is a case where it is healthy. Now, then, as a rule, about how soon were those in 1876, '77, '78 sent to Tewksbury—about how soon after they were received at the home, as a rule? A. I could not tell. Some would be sent next day, and perhaps some might remain weeks, and perhaps some several months.

Q. Some next day, and some after a longer period. Now, you have sent to Tewksbury only those who had no known settlement in Boston? A. Yes, sir.

Q. Or elsewhere. Therefore, they must have been State paupers? A. Yes, sir.

Q. Those were sent ; and those that had known settlements in Boston you kept here? A. No, sir. They were sent to the Island ; those that had settlements here.

Q. Yours was a temporary home? A. Yes, sir.

Q. To take them and put them where they belonged. Now, was there any other sorting out of the infants than to find those that were to be adopted, and those that had settlements in Boston? A. No, sir.

Q. I suppose so. And about how many in a year would be adopted? A. I don't know, sir.

Q. About how many? A. I could not tell.

Q. Would your record show? A. I suppose it would, but that record I have never looked at.

Q. It ought to be here. Well, here it is right under my eye. Here it is now, just on this page ; I happened to open to one. Here is Hattie Squires, female, white, dark complexioned, steps of house 128 Hudson Street, September 16, 1869, Officer Osgood, physical condition healthy, adopted October 8, 1869. Therefore, we can find out about the adoptions. And those sent to Tewksbury were those that were neither adopted nor had settlements with you? A. Yes, sir.

Q. Now, then, you say the inmates had charge of them. Were they women? A. Women that came there.

Q. What did they come there for? A. Out of places and came for a home.

Q. What? A. Out of work and came there for a home.

Q. And you had quite a number of those? A. Yes, sir.

Q. Rather a surplus of them all the time? A. Yes, sir.

Q. Poor women out of work, who came there because they had no other place to go to. And you employed them to help you in your duties? A. Yes, sir.

Q. And I suppose some of them were good women—most of them good and efficient women, who would work if they could, weren't they? A. No, sir ; I don't think they were.

Q. They were not sent there for any crime? A. No, sir.

Q. They came of their own accord. Very well. Now, would you send one of those women with a baby up to Tewksbury? Would you send an unfit one? A. No, sir ; not one unfit to carry a child under an officer.

Q. Not unfit to carry a child under an officer. Well, to see that it was properly cared for while it was on the road? A. Yes, sir.

Q. Now, did you used to have milk? A. Yes, sir,

Q. Did you, as a rule, furnish them with sour milk in the bottles? A. No, sir.

Q. Was not the rule right the other way, that you furnished them with good milk? A. I think so; yes, sir.

Q. You meant to do so? A. Certainly I meant to do so.

Q. Of course, everybody is liable to make mistakes, and to have milk curdled by a thunder shower; and you would not believe anybody that swore that when they got there, all of them had sour milk in their bottles, would you, that came from your place? A. There might be cases where it might sour in the bottle, but I should know it was not sour when it started.

Q. There might be. What, in an hour? A. I don't know.

Q. A well-scalded bottle, a clean bottle, with clean milk put in, ought to last an hour, had it not? A. It would depend on the weather.

Q. What, with a cork in the bottle? A. Yes, sir.

Q. Now, Miss Crockett, have you sent a child up there knowing that it was going away with milk in a sour bottle? A. Not knowingly, sir.

Q. Now, I want to ask you further. We have here some cases of sick children. When a child had any visible disease you sent for a doctor, I suppose, didn't you? A. No, sir. If we wanted to keep it in the home, we always did; if we were to send it immediately away, we would send it.

Q. If you were to send it immediately away, you sent it. And whenever you saw a child visibly diseased, on your examination — for instance, if you saw one with syphilitic sore eye, you would put it down as a fact there? A. Put it down feeble or sick.

Q. When you say good, you mean in robust health, don't you? A. As far as we can judge.

Q. When you say fair you mean in fair health, and when you say doubtful, you mean in doubtful health, — you don't exactly know about it? A. Yes, sir.

Q. When you say fair, you think you know it to be fair, and when you say good, you know it is a good child? A. I believe it is a good child at that time.

Q. Now, while they were with you, whether they stayed a longer or a shorter time, did they have good kind treatment, and proper treatment? A. I always tried to have them have such, sir.

Q. You meant they should? A. I did my best to have it done.

Q. And I suppose had the material to do it with? A. I had everything except brains.

Q. What? A. I had everything except brains and disposition; sometimes those failed us.

Q. You had everything except brains? You are quite too modest, madam. I think you had that? A. The disposition. I will take that back about the brains. I had the disposition to do that.

Q. I meant the physical appliances which I suppose the city of Boston furnishes? A. Yes, sir; we have everything of that kind.

Q. Did you clothe your children? You say some came without anything; therefore you had to clothe them? A. Yes, sir.

Q. Had you uniform clothing, or did you give each one different clothing? About that, where they came with soiled clothing, where they had laid out or had been left out, or anything of that sort, you took that away and gave them good, I suppose? A. Certainly.

Q. And send them away in that way? A. I used to send them away, if possible, in the clothing they came with.

Q. If it was fit to go? A. Yes, sir; or if it could be made fit by washing.

Q. And if it was not fit you put on another suit? A. Yes, sir.

Q. And if it could be made fit by washing, you saw it was properly washed? A. Yes, sir.

Q. Of course you didn't leave them in the dirt? A. No, sir.

Q. You would not credit anybody who swore that your children came up there after an hour's ride in a filthy and dirty condition, would you? A. Only what was soiled on the way.

Q. Except possible happenings on the way, during an hour or an hour and a half. Now, madam, let us know if you didn't have a better set of children still. There came a class of children, didn't there, to you, where the mothers had boarded them out for awhile, paid their board as long as they would or could, and then would not do it any longer, and then those children would be brought to the home by the boarding-mistresses, who would not keep them? A. They are brought to us through the proper authorities.

Q. That is, they would come and bring them directly, and make a complaint to you, I suppose? A. They bring them to us, but we never receive one from anybody who has been boarding them unless we receive them from the proper authorities.

Q. Unless the proper authority told you to do so? A. No, sir.

Q. And you had a considerable number of those? A. Yes, sir.

Q. And those would be the older, wouldn't they? The foundlings would be quite young? A. Yes, sir; and those boarded too.

Q. And they would be brought by the person in whose hands they were left, and would be received into your home? A. Yes, sir.

Q. And while they would be classed in your house abandoned children — “children and foundlings” — in one case children and in the other foundlings, when they went to Tewksbury, as soon as it was found they hadn't any settlement anywhere those abandoned children were sent to Tewksbury, were they not? A. Yes, sir.

Q. Of course your object was to see what children belonged to Boston sent to Boston institutions, and what children belonged to the State sent to the Tewksbury institution? A. Yes, sir.

Q. And what benevolent people would adopt you had adopted? A. Yes, sir.

Q. I supposed that must be so. Now, I suppose, if you were to look back to those records where you made them, you would a great deal rather trust the record of the condition of those children than any memory you have of them now? A. Certainly.

Q. The records, so far as you know, were fairly, honestly and justly made, and show the condition of things as your experience showed them to be, and if you could find them you would hardly trust your memory against your record? A. I could not tell any special child, except it was a very special child that I could remember about.

Q. Well, I find your record shows that during this time there were doubtful, two; feeble, twenty-seven; fair, thirty-five; good, five; one diseased, and one not stated. That is the record of the time, and so far as you know that record is correct if we have copied it correctly? A. Yes, sir.

Gov. BUTLER. I don't see as I want to trouble you any further.

Q. (By Mr. GILMORE.) I would like to ask the witness to describe a little more definitely the method of sorting out the children, and how long the good children, the good babies are kept there for the purpose of adoption? A. Well, we kept all those we felt could be adopted, but I could not tell the length of time: sometimes a week, and sometimes several months.

Q. Well, by all those capable of adoption you mean all the sound and healthy ones? A. Yes, sir.

Q. And the others you sent away? A. Yes, sir.

Q. (By Mr. BROWN.) If a child came in on the first day of May that was a sound and a beautiful child—I suppose you had some knowledge of the history of them—did you have some knowledge, in any case, of the history of the child? A. I don't know as I understand you, sir.

Q. Well, as to whose child it might be, or the circumstances under which it had been left? A. We often knew their mothers.

Q. Well, if a child was well and you knew that it had a well mother, a mother of some character or that had simply been unfortunate, whether or not you would save out such a child and continue it at the Chardon Street Home, hoping that somebody would come that would adopt it? A. We should try to, sir.

Q. That would be your purpose? A. Yes, sir.

Q. And that was your purpose? A. Yes, sir.

TESTIMONY OF HENRY A. SMITH (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name is Henry A. Smith? A. Yes, sir.

Q. What is your business? A. I am an attendant.

Q. Where? A. At Tewksbury almshouse.

Q. At Tewksbury almshouse; how long have you been there as an attendant? A. I went there July 15, '76.

Q. July 15, '76; and you have been there since that time? A. Yes, sir.

Q. What did you do before you went to Tewksbury? A. I was at the city hospital in Boston four years.

Q. In what capacity? A. I was in the capacity of watchman and nurse.

Q. Watchman and nurse. A. Took in all the patients that came in, and attended to the ward.

Q. During what part of that four years were you nurse? A. All the time I was there, in the principal surgical ward, ward B.

Q. What did you do before you were at the city hospital in Boston? A. I was in the dry-goods business.

Q. Where? A. With Chandler & Co., fifteen years, Winter Street.

Q. Chandler & Co., on Winter Street, fifteen years? A. Yes.

Q. In what capacity? A. Salesman.

Q. How came you to leave Chandler's? A. I was sick; left on account of sickness.

Q. Where did you live at that time? A. Cambridgeport.

Q. Where did you live when you were nurse at the Boston City Hospital? A. I lived at Cambridgeport. The reason they had me outside was because they hadn't sufficient accommodations for sleeping apartments, and they hired outside nurses, and I lived at home.

Q. Now, sir, why did you leave the Boston City Hospital? A. Well, I left because, at that time, all the outside, — those that lived outside, — wasn't wanted. That was one reason; and another reason, they didn't care for married people; at that time I was married.

Q. You were married and had a family? A. Yes, sir.

Q. What family had you? A. I had a wife and two children.

Q. Now, sir, when you went to Tewksbury what did you commence to do? A. I commenced as an attendant, nurse, and had charge of a ward; had charge of a building.

Q. In what part of the building? A. I had charge of the building called No. 19, when I first went there, adjoining the foundling—

Q. Just show us what building you refer to. [Plan shown witness.] A. I think this is the foundling, — I think this is the situation. — I was in what was called No. 19, at the time.

Q. The hospital marked "F" on this plan? A. I should say this was the foundling; I suppose the other, — yes, sir; this was the building I was in a larger part of the time for four years.

Q. For what purpose was that building occupied at that time? A. Then it was occupied as, — it was a branch of the

hospital, and it was used as a hospital and convalescents' ward, etc.

Q. Now, sir, when you went there in '76, how soon after you got there did you have an opportunity of examining the entire hospital? Did you go around through it? A. Yes, sir; I went right to my duties as soon as I entered.

Q. Now, sir, I want you to tell the committee in every particular what was the condition of that hospital when you went there? A. Well, the condition was good.

Q. Take the beds and bedding? A. Yes.

Q. Now, just describe what they were? A. Well, they were, — the mattresses were straw, and —

Q. What kind of straw? A. Well, good straw.

Q. Rye straw or oat straw? A. I don't know particularly; I am not enough accustomed to straw to say about that. It was usual straw, such as I had been in the habit of seeing; good straw, as we call it, clean straw.

Q. As to the sheets and pillow-cases? A. Yes, sir; they were all clean.

Q. As to whether they used to have them dry and well aired? A. Well, they were brought from the laundry in proper condition.

Q. Was it any part of your duty to attend to making the beds? A. Well, I had the oversight of the whole building.

Q. So that you knew whether the linen was properly aired and dried? A. Yes, sir.

Q. And what was the fact about it? A. The fact was that it was well aired; I should not had it unless it was.

Q. Now, as to the condition of the beds; have you ever seen, since you have been there, any beds with rotten straw fillings? A. No, sir.

Q. You have some persons there who don't properly care for themselves? A. Yes, sir; oh, yes; we have a great many; the ward I was in, there was a great many old people that was not able to take care of themselves but very little.

Q. When you went there were there any water-closets? A. In this building I was in there wasn't any water-closets in that building. There was a privy, and it used to be cleaned out once a week, and I used to throw in, to see that the dirt was thrown in two or three times a day.

Q. Two or three times a day? A. Yes.

Q. Was there any smell from that privy? A. Not usually;

unless it was when they were cleaning it out. At that time there might be a little smell; ordinarily I used to throw in dirt sufficient to cover up —

Q. And that you did daily? A. Yes, sir; three or four times a day.

Q. Now, as to the food? A. Well, the food, — I don't know; I have eaten some one or two hundred meals there myself.

Q. What do you mean by one or two hundred meals? A. I have eaten. — had my dinners and suppers there to the amount of one or two hundred times.

Q. By "there," what do you mean by that? A. I mean in the hospital.

Q. Let us see. As an attendant, you have a table by yourself? A. Yes, sir; I belong to the officers' table.

Q. Belong to the officers' table; and that's in the main building directly across the entry-way from Captain Marsh's dining-room? A. Yes.

Q. And during the entire period since you have been there you have dined at the officers' table? A. Yes, sir; I belong there.

Q. And these, the one or two hundred instances you speak of, are what? A. Well, perhaps, sometimes I would eat a hearty dinner and wouldn't care for much supper, and I would take a little tea, — tea and toast.

Q. That is at the inmates' table? A. Yes.

Gov. BUTLER. At the hospital table.

Q. At the hospital table? A. Yes.

Q. (By Gov. BUTLER.) Took a little tea and toast? A. Yes; something of that kind, — bread and butter.

Q. (By Mr. BROWN.) Well, now, as to the character of the bread when you first went there; tell us all about it. A. The bread I call very good.

Q. How did it compare with the bread which you had at the Boston City Hospital?

Gov. BUTLER. I beg your pardon; I know nothing about that; I can't examine the Boston City Hospital now.

Mr. BROWN. I don't want you to. I was asking this witness how the bread compared with the bread he saw there.

Gov. BUTLER. How do we know, till we examine, that that was good bread?

Mr. BROWN. I will ask him if it was.

Gov. BUTLER. You are comparing one bad thing with another.

Mr. BROWN. I don't know whether it was good or not.

Gov. BUTLER. I know you don't, and I don't want to go into that question.

Mr. BROWN. You know it was good?

Gov. BUTLER. I don't know, I say; I don't know whether it was good or bad. Ask him how the bread was, and not how it compared with the Boston bread, because we don't know what that was. In other words, in legal language, it is not a standard of comparison.

Q. Well, Mr. Smith, I want you to describe carefully what was the character of that bread. A. Well, sir, I thought, I called it very good bread, myself, very good bread.

Q. Now, take the color of it. A. Well, the color,—it might have been it wasn't so white as some, and I don't know but it was,—I think it was a little darkish in color, perhaps; it wasn't as white as we had down at our table.

Q. At the officers' table? A. No, sir; but it was good bread and good white bread.

Q. Did it appear to be well kneaded? A. Yes, sir.

Q. With the proper amount of yeast, and all that sort of thing? A. Yes, sir; and well baked.

Q. How frequently have you seen sour bread there? A. I don't know that I ever saw any sour bread; I might have, once or twice, seen sour, perhaps, sometimes. There might, possibly, have been once or twice that there might have been some sour bread there. As a general thing the bread was very good.

Q. Now, as to the other food; take, for instance, the tea and the coffee? A. Well, sir, the tea, I called it very fair: very fair tea. The coffee was good. Sometimes I have heard officers say they thought the coffee there was as good as we had on our table, and a little better.

Gov. BUTLER. If you will leave out what the officers say I will be obliged to you.

The WITNESS. Yes, sir.

Q. Now, what you have said with regard to the beds, bedding and food, does that apply to the entire period of your connection with the institution? A. Yes.

Q. Has there ever been any change in the food, as to the quality of it, since you first went to the institution? A. I don't think there has; it is pretty much the same thing.

Q. Do you know the baker? A. Yes, sir.

Q. How long has he been there, the present baker? A. He went there, I think, shortly before I did; in the spring, I think.

Q. That is, sometime prior to the first of June, 1876? A. Somewhere along there in that neighborhood; he went there a little before I did.

Q. Been there continuously? A. Yes, sir; with the exception of being sick; except sickness.

Q. Now, he is a professional baker, is he? A. I couldn't say about that; I presume he is.

Gov. BUTLER. If he is a professional one he is a poor one; but if he is a properly educated baker it is all right.

Q. Now, Mr. Smith, I want you to tell me, — you have visited all parts of this institution, haven't you? A. Well, pretty much; I don't know I have been in every part.

Q. But you sat at the officers' table with Mr. Barker? A. Yes, sir.

Q. And his wife? A. Yes, sir.

Q. Mr. French and his wife? A. Yes, sir; he was, — yes.

Q. Mr. French who died, and his wife? A. Yes, sir.

Q. Mr. Dudley and his wife? A. Yes, sir.

Q. Now, I want you to tell me, Mr. Smith, whether you ever heard from Mr. or Mrs. Dudley, from either of the Frenches, male or female, from Mr. Barker or his wife, any complaint at any time as to any act of cruelty committed in that institution?

A. I never remember.

Q. Never heard anything of the kind? A. I don't remember of it.

Q. Did any fact tending to show that there had been an act of cruelty committed in that institution come to your attention from any source? A. No, sir.

Q. Never did. And do you know Mr. Beebe who was there once from New Bedford? A. Yes, sir.

Q. Did you ever know any act of cruelty committed in his presence upon any patient or inmate? A. No, sir; I don't remember that I ever did.

Q. (By Gov. BUTLER.) You see you drop your voice, — "No, sir, I don't know," but what? A. He asked me, I think, if I ever remembered any acts of cruelty committed while Mr. Beebe was there.

Mr. BROWN. Yes.

The WITNESS. I don't remember of any in particular.

Gov. BUTLER. Don't remember of any in particular.

Q. (By Mr. BROWN.) Do you remember of any in general?

A. I don't remember; we didn't usually have any cruelty in the ward.

Q. Did you ever know any cruelty there?

Gov. BUTLER. In the ward.

A. No, sir.

Q. Anywhere in the institution? A. It never came under my observation.

Q. Was there any occasion like this, that a man was strapped to a bed in your ward, in your presence, and flogged with anything, or whipped, or struck? A. No, sir.

Q. Anything of the kind? A. No, sir.

Q. Has Mr. Beebe got a child still in the institution? A. He has.

Q. Is it male or female? A. Male.

Q. How old is it? A. I think he said it was eighteen when he visited there the other day.

Q. Was that child in the institution at the time Mr. Beebe was there? A. He was.

Q. According to your best recollection how long has that child been in the institution? A. I could not say; he was there before he came to me; I don't know how long.

Q. Has he been there continuously since the time he was first admitted? A. I think the boy has.

Q. Mr. Beebe has not? A. As far as I know.

Q. What is the condition of that child? A. Well, he hasn't any mind.

Q. Is he what you would call an idiot? A. Well, yes, sir; I should think he would come under that head.

Q. Now, I have called your attention generally, I want to call your attention to this specific matter: while Mr. Beebe, Sr., was there at that institution, was there in your ward, or in any other ward where you had an opportunity of observing, any inmate who was kept upon any bed which was filthy and rotten? A. I don't remember of any such case.

Q. If there had been any such case would it have been likely to have come to your attention? A. Yes, sir.

Q. Now, Mr. Smith, I want you to tell the committee what, so far as you have had an opportunity for observing, has been the conduct of Captain Marsh toward the inmates and officers? A. They have always spoken very kindly of him.

Q. Who, for instance? A. Oh, every one.

Q. That is, of the inmates? A. Yes, sir.

Q. Does that apply, also, to the officers? A. Yes, sir.

Q. Now, during the time you have been in the institution, you have seen Mrs. Marsh, the wife of Captain Marsh, I suppose, frequently? A. Yes, sir.

Q. How frequently, within your knowledge, did she visit different parts of the institution? A. Well, she, while I was there, the last ward I was in. — she didn't usually make visits where I was, because I had a male ward in the hospital where I was.

Gov. BUTLER. A little louder, please: I want to get that.

The WITNESS. I say she didn't usually make visits where I was, — the hospital; I don't know where she did go.

Q. Did you see her visit elsewhere? A. I have seen her making visits; when I made a change to the other hospital, she used to come there and make an examination of the rooms.

Q. How frequently? A. Well, she was there, I think, twice while I was there, — once or twice. She came in to see the condition of the rooms, when there was a new doctor come.

Q. Now, Mr. Smith, did you have anything to do with the washing of the male inmates who came to the institution? A. Yes.

Q. And the care of their clothing? A. Yes, sir.

Q. State what you had to do with it. A. The oversight of it.

Q. Well, state fully all. A. It was my business to see that they were properly bathed and cleansed; I had general oversight.

Q. (By Gov. BUTLER.) Had general oversight? A. Yes, sir.

Q. (By Mr. BROWN.) Who did the work? A. Well, I had to depend on inmates to do a great deal of it, — did work myself and had inmates work.

Q. That was done in the room which was spoken of by French Joé, was it, underneath the office?

Gov. BUTLER. No; ask him where it was done, not tell him.

Mr. BROWN. I didn't suppose there was any question about it; I merely wanted to call his attention to another line of inquiry.

A. The most of my washing was done in the hospital.

Gov. BUTLER. There, you would have led him just wrong. In every case you put into the mouth of the witness the words.

Mr. BROWN. I know; but I usually hear straight.

Q. Now, Mr. Smith, what appliances did you have for bathing at the hospital? A. Well, we had good appliances while I was there.

Q. Well, such as what? A. We had two bath-tubs. We heat the water in one and filled the other bath-tub from that for the patients.

Gov. BUTLER. He heat the water in one bath-tub?

Mr. BROWN. I will ask him about that.

Gov. BUTLER. Yes; I would like to get that.

Q. Just tell us clearly how you heat the water. A. We usually heat the water, — there were two tubs there, — and we usually heat one bath-tub; filled it with water and heat it.

Q. Heat it in a bath-tub? A. Yes, sir.

Q. How? A. By means of steam.

Q. By means of steam? A. Yes.

Q. How did you get the steam into the tub? A. There were regular fixtures for admitting the steam to heat the water there.

Q. Regular fixtures in the bath-tub? A. Yes, sir.

Q. For heating the water by steam? A. Yes, sir; faucets.

Q. (By Gov. BUTLER.) In one of them? A. Yes, sir.

Q. (By Mr. BROWN.) How about the other? A. The other tub, — we would take the water from this tub that we had filled, and put it into the other tub, and then put the patient into it; and when he got through we would drain the water off and cleanse the tub and put another one in.

Q. How many did you wash in the same water? A. Didn't wash any in the same water; never washed a man in my life, — never put two men in the same water.

Q. Did you ever see two men put in the same water? A. I never did.

Q. In the hospital, — did you ever hear about it? A. I have heard about it since this investigation.

Q. Did you ever hear Mr. Barker, during his connection with the institution, complain of washing more than one man in the same water? A. He never spoke to me about it.

Q. Or Mr. Dudley? A. No, sir; he never spoke to me.

Q. Either Mr. Barker or Mr. Dudley? A. No, sir; I don't remember about it.

Q. Or either of the Frenches, male or female? A. Not sir.

Q. (By Gov. BUTLER.) Don't remember it? A. No, sir; they wouldn't be likely to speak to me on that subject, I don't suppose.

Q. (By Mr. BROWN.) Why not? A. Well, they was in a different building from what I was.

Q. Yes, but you met at the officers' table? A. Yes, sir.

Q. They complained to you, sometimes, that things that they wanted they could not get; didn't they? It was a matter of discussion at table?

Gov. BUTLER. Pardon me; ask what complaints they made; don't put it into his mouth.

Mr. BROWN. Let us find out whether there was any, and then we will find out what the complaint was.

Gov. BUTLER. Ask, did they make complaint to you about anything. Don't lead him as you would a child in leading strings.

A. I don't remember they ever made any complaint to me about anything.

Q. Don't remember they ever made any complaint to you about anything. Now, just tell me again how long you were connected with that hospital. A. Which one, sir?

Q. Well, the one where you went first? A. Upwards of four years.

Q. Upwards of four years; and then where did you go? A. I went to the main hospital.

Q. What building, or what part of the building was that?

A. That was in a brick building, a long brick building.

Q. That is the main building occupied by the family of the superintendent, was it? A. No, sir; a separate building adjoining the lodge, just above the lodge.

Q. It is the long building which is on the left as you enter the gate? A. Yes, sir.

Q. Enter the yard. That is the building in which the dispensary is located, is it? A. Yes.

Q. Also the building in which the chapel is located? A. No, sir.

Q. Separate building. Now, how long did you stay in that hospital? A. I stayed there about a year and a half.

Q. About a year and a half; then where did you go? A. Then I went to the shorter hospital, the other end of the building, the other side of the dispensary.

Q. Between the dispensary and the chapel? A. Yes, sir.

Q. How long did you stay there? A. Well, I went there the twenty-fourth of last August, and I am there now.

Q. That is, the twenty-fourth of August, 1882? A. Yes, sir.

Q. And have been there since? A. Yes, sir.

Q. So, that during your entire connection with the institution you have been in one of the hospital wards? A. Yes, sir; that has been my business altogether.

Q. Now, Mr. Smith, I want you to tell me whether you ever got short of help, ever have been short of help in that hospital?

A. All the help I have had is inmates; I never had an assistant.

Q. Never had an assistant? A. No, sir.

Q. How many persons have you had under your charge at one time? A. I had, when I was in this long hospital, I had seventy-six beds.

Q. Seventy-six beds without any assistant? A. Without any assistant; and then I had some out-patients that took their meals there, outsiders. some twenty-five more, — twenty or twenty-five more.

Q. That is, convalescents? A. Yes, sir.

Q. Who had been discharged from the hospital and sent out into some other part? A. Sent in; they were rather feeble, and were sent in there to get a little better nourishment.

Q. To get a better diet? A. Yes, sir.

Gov. BUTLER. People who wanted better living.

Q. Now, Mr. Smith, was there any time when you were in the first hospital referred to, that it was overcrowded? A.

A. Well, the beds were always all filled up, the beds, I think.

Q. Now, how about the second hospital, next the gate? A. That was always full, always; it was usually kept full all the time; every bed was usually kept full.

Q. Whether or not, Mr. Smith, you have sometimes been obliged to turn out people who really needed hospital treatment and diet in order to give room to some person who was more unwell? A. It has been done in some instances.

Q. Well, how frequently? A. Well, not very frequently; occasionally.

Q. Occasionally? A. Yes, sir.

Q. Now, I want you to state to the committee, Mr. Smith, any criticism which you see fit to make in regard to the diet of that hospital. I want you to state fully just what you have got to say about it, if anything. A. Well, I can only say this, that the food is the same every day in the week; that is, pretty much the same food is furnished for every day.

Q. Now, as to the articles of diet: do you have fruit? A. In the season of it they used to have muskmelons and apples, and those things in the season of them.

Q. Do you have tomatoes the year around? A. Yes, sir; they used to send in a great many tomatoes in the season of them.

Q. Do you ever have canned tomatoes? A. Not in the hospital we don't.

Q. Or canned corn? A. No, sir.

Q. Or any kind of preserves, peaches, pears, apricots, or anything of that kind? A. Not in the hospital we do not; no, sir.

Q. Do you have jellies of any kind? A. No, sir.

Q. Now, Mr. Smith, do you have any fine puddings, anything of that kind, farina diet or blanc-mange, or anything of that kind, such as inmates may require in the hospital? A. No, sir; we do not.

Q. Have you ever seen them there? A. No, sir; not unless the patients bring them themselves.

Q. Whether, in your judgment, with your experience, such articles as I have named, as canned tomatoes, or corn, or fruit of any kind, or blanc-mange, or such articles as jellies —

Gov. BUTLER. Has he any experience to make him valuable. He has been there and never has seen what good it would do, because he never has seen any used. What experience has he had? Does he qualify himself as a person who would know?

Mr. BROWN. I didn't suppose it required very much of a qualification for a man to know what was good to eat.

Gov. BUTLER. Pardon me; it does require quite a qualification to know what is fit to eat by sick men in hospitals.

Mr. BROWN. I supposed it was a matter of common knowledge that such things as I have named were healthful for an invalid.

Gov. BUTLER. If you were to give a sick man canned corn you would never want to give him any more.

Mr. BROWN. Let us take another thing.

Q. Did you ever see any broiled chicken?

Gov. BUTLER. That is another thing. Broiled chicken is another matter; but the whole of Franklin's expedition was supposed to be poisoned by eating canned corn, and the Jeanhette suffered terribly by it.

Q. Did you ever see any broiled chicken in the hospital?
A. Never furnished by the institution.

Q. Did you ever see a patient in the hospital whom you think would be inspired by a piece of warm broiled chicken?

A. I think there are cases where they would be very glad to get it.

Q. And if you had been left to your judgment and had the means you would have furnished it, wouldn't you? A. I think I should; yes, sir.

Q. Now, Mr. Smith, I suppose you know when you are over-worked and when you are not? A. Yes, sir.

Q. Won't you tell us whether in your judgment you have been obliged to have too much care and responsibility in the department in which you have acted there as nurse? A. I did in the large ward.

Q. Had more than you could do.

Gov. BUTLER. How long was he there?

Q. How long were you there? A. A year and a half.

Q. Now, what assistance, in your judgment, ought you to have had? A. Well, I think if I had had one assistant I would have,—it would have been a help to me, I think. I presume if I had urged it, I could have had one.

Gov. BUTLER. If you had urged it, you could have had one.

Q. You were obliged to rely entirely on the help of inmates?
A. That was always found.

Q. Always found. Mr. Smith, I want to ask you how much you got a month or week? A. Got \$30.

Q. Thirty dollars a month, or week, which is it? A. A month.

Q. Thirty dollars a month, and found? A. Yes, sir.

Q. Well, sir, where is your family? A. Cambridgeport.

Q. They have lived there all the time, have they, since you left Chandler's? A. Yes, sir.

Q. What family,—I think I have asked you that.

Gov. BUTLER. Why don't you ask him about his family?

MR. BROWN. That is what I called your attention to this morning,—that you were a little hard of hearing.

GOV. BUTLER. That may be, sir; but you haven't asked him here what family he had.

MR. BROWN. I didn't ask him now, but I asked him fifteen minutes ago what family he had, and he said he had a wife and two children. I am surprised you didn't observe it.

THE WITNESS. At that time,—part of the time.

Q. What family have you now? A. I have two daughters.

GOV. BUTLER. He once had a family of a wife and two daughters.

Q. Now, what part of the time, if any, since you have been connected with the Tewksbury almshouse, have you been away from duty? A. I have not been away, except on my vacations. I have not been away more than a day at a time; about once in two months I am in the habit of going home to spend a day.

Q. And what day do you usually select? A. Well, I generally go about once in two months.

Q. Well, what day do you usually select? A. No particular day.

Q. No particular day. I didn't know but you went home to spend Sunday. A. I have done that in some instances, but don't make a rule of any particular day.

Q. Now, Mr. Smith, I want to ask you in regard to the clothing in the hospital department. What has it been? A. Well, it has been fair. We don't, usually, have new clothing there; we had clothing that had been worn before — previously. As a general thing, we didn't have much new clothing.

Q. Now, whether, in your judgment, there should be any improvement in the clothing furnished the inmates in the hospital?

A. Well, I think there might be some improvement made there.

Q. Such as what? A. Well, such as,—I have found sometimes a difficulty in obtaining just such clothing as I wanted for inmates.

Q. Now, for instance, give us an illustration. What clothing would you want? A. Well, some man might have a poor coat, and I might want to get something for him. If they had it, I could always obtain it, but sometimes they would not have it,—might, perhaps, be out of coats.

Q. How about underclothing? A. Never had much trouble with underclothing: always had plenty of shirts and drawers,—at least, plenty of shirts: drawers we didn't use, but usually had undershirts and outside shirts.

Q. Now, I want to ask you whether there has ever been, since you were connected with that hospital, any room which could be used and occupied as a room for dying persons, so as to separate them from the other inmates? A. There never has been any such room, that is, particularly. There is one room that is a six-bedded room, and we sometimes put the worst patients in that. That is, both of the hospitals have a six-bedded room which sometimes we put them into.

Q. Now take, for instance, this long ward in the building next to the gate; how many inmates, how many beds are there in that building? A. Well, I believe there are 71, now.

Q. Seventy-one; and if a man is in that ward in a dying condition, there is no place to remove him to, no other room where he can be by himself, is there, where he can be removed?

A. There is a little box there, a small box that contains two beds, partitioned off.

Q. A little corner? A. Yes, sir.

Q. That is filled up with something, usually? A. Usually; they put bad cases in that.

Q. Bad cases have to be put in that? A. Yes, sir.

Q. So that all the scenes connected with the death-bed are enacted there, right in front of all the other patients, old and young; sometimes boys, I suppose? A. Yes, sir.

Q. Young boys. Now, I want to know, Mr. Smith, if at any time since you have been connected with this institution you have ever heard of any complaint of any inmate that such inmate could not get his clothing or his money? A. I don't remember of any such instance. I usually go for the money; that is, if they have any money, I usually go to the office for it. When an inmate comes in, if he has any money with him, I usually take it and take it to the office. That is my orders, with the exception of anything less than a dollar: and that I reserve for him in case he wants tobacco, or wants to buy any little thing.

Q. Has that been the habitual custom since you have been there? A. It has with me; yes, sir.

Q. Now, are these inmates that come to the hospital, which you spoke of as attending to their bathing, etc.,—those are not

taken to the office, I suppose? A. Well, the building I was formerly in, they used to take them and bathe them before I took them, because I had no suitable bathing place.

Q. You mean in the first building? A. Yes, sir; but in the last building they are usually taken right in, and we bathe them.

Q. How was it with the hospital next the gate? A. Usually were brought right in to us, and we attended to them, to the cleansing of them, washing.

Q. So that they were examined, and if they had any money it was taken by you? A. Yes, sir. The rule was for Mr. Marsh, Mr. Charles Marsh, to stay at the lodge when they came there. He usually asked if they had any money, and took it himself. Sometimes, in some instances, they would come in and bring money inside,—have it on them.

Q. Now, you find people, sometimes, who would have money concealed about their clothing? A. Yes, sir; we had many come in. I had one man come in one time with \$90 and a watch.

Q. Ninety dollars and a watch. A. Yes, sir; I took it to the office, and when he went out he received it.

Q. (By Gov. BUTLER.) What was his name? A. I don't remember his name; an old gentleman. He was there a short time.

Q. (By Mr. BROWN.) Never heard any complaint but what they got their money? A. I never heard any; no, sir. I always, when I went there for money I carried up there, I never had any difficulty in getting it.

Q. Now, for instance, a man came into your ward; he had money and you took it and delivered it to the clerk, and, then, at the end of six months or any other time he was ready to go away, and was still in your ward, did you see to his outfit? A. Well, no, sir; that was usually done,—French Joe used usually to do that. It is done in the bath-room.

Q. Suppose he was still in your ward, in the hospital? A. I then did: dressed them; yes, sir; they frequently sent their clothing to me. Their clothing was taken away; that is, their own clothing, shirts, etc., was taken away and washed and put away, and they were given house clothing; and when they went away they were given their own clothing.

Q. (By Gov. BUTLER.) Sent into the ward and you dressed them? A. Yes, sir.

Q. (By Mr. BROWN.) Now, would you attend to getting the money from the clerk? A. I would in many instances; sometimes they would go themselves.

Q. Mr. Smith, you have some cases of delirium tremens brought there to Tewksbury? A. Yes, sir. They haven't usually come under my supervision. There are some, but they are mostly brought into, — mine has been more of a convalescent ward, an old men's ward, — they have usually been brought into the —

Mr. WOLCOTT. Will the witness speak a little louder, please.

Q. Was there a special place there where the inmates who have delirium tremens are cared for, any special room? A. No, sir; cared for in the ward.

Q. Well, take a very serious case of delirium tremens, what would you do in that case, — where would you put them? A. We would put them in a bed, and, if necessary, we should have to tie them, strap them.

Q. Strap them? A. If necessary.

Q. Any apparatus made on purpose for that? A. They have in the hospitals, in the surgical hospital, I should say.

Q. What is it? A. Well, they have straps; they have pieces of leather that can fasten around the ankles. I suppose the ordinary apparatus that is used for such cases.

Q. I want to find out exactly what it was. A. Well, they have, — it must be a long piece of leather, perhaps half a yard long, and that is —

Q. Sole leather, or thinner? A. I should judge it would be lighter and thinner than sole leather; light leather; common hard leather; and there is a piece of leather goes around the wrist with a staple, or, at least, — well, you might call it a staple, — and this piece of leather is first put around the wrists and this staple would go through this main piece of leather on the outside, and then there would be a buckle go through, a strap go through so as to secure the hands.

Q. This large piece of leather you spoke of was made to secure the body? A. No, sir; made to secure the hands and keep the hands together.

Q. What apparatus was there for securing the body? A. Well, they have, — there is pieces of leather that go around the ankles.

Q. Anything to secure the trunk? A. They secure the

hands and the feet; yes, sir; and then put a sheet around, if necessary, under the arms. That would usually secure them sufficient.

Cross-examination by Gov. Butler.

Q. Henry A. Smith, is it? A. Yes, sir.

Q. What is your age, Mr. Smith? A. I am 61, sir.

Q. How? A. Sixty-one.

Q. And you went there when? Speak up good and loud.

A. I am laboring under a cold, but I will speak as loud as I can. I went there in July, '76; July 15, '76.

Q. And you are in the employ there now? A. Yes, sir.

Q. Came from there this morning? A. Yes, sir.

Q. Did you hear about the legislature going up there tomorrow, before you left? A. No, sir; I didn't.

Q. What? A. I didn't hear of it officially.

Q. What? A. I didn't hear of it officially; no, sir.

Q. Officially; have you got a pair of ears that hear official things different from other ears? A. No, sir.

Q. Very well; did you hear of it? A. I overheard it.

Q. Oh, you overheard it? A. Yes, sir.

Q. That is, you heard somebody else talking about it? A. Yes, sir.

Q. Things in pretty good condition up there now? A. Well, I think fair.

Q. Fair? A. Yes, sir.

Q. Nothing better than that; haven't they got it only up to fair, yet? A. About as we usually have it. We usually calculate to keep it in a pretty fair condition, pretty good condition, I might say.

Q. Now, Mr. Smith, don't you know this: that you generally hear when official visits are going to be made, — overhear it, or hear it somehow? A. No, sir; there has been several made that we haven't heard of.

Q. There has been? A. Yes, sir.

Q. When was there one made? A. Well, I think there was one made a short time ago.

Q. By "a short time ago" what do you mean? Keep your voice up, sir. A. I should say within two or three months.

Q. Within two or three months there was one you didn't know about; when was the one you didn't know about before that? A. Well, often people come there.

Q. Take it official visits, Mr. Smith, not when "often people

came there." When was there an official visit made before that — give me the time and the official body — when you didn't know of it beforehand? A. Well, I have usually known of it.

Q. Haven't you always? A. No, sir; because there are some —

Q. Official visits? A. I have usually known of it.

Q. Usually known of it? A. Yes, sir.

Q. Well, I suppose, now, there was a little cleaning up, wa'n't there, at those times? A. Well, I don't know as there was any more than what we always try to keep the place clean.

Q. I know; you always try to keep the place clean; but was there any cleaning up at that time? A. We always —

Q. Don't tell me what you always do; tell me what you did at that time.

Mr. BROWN. [From another part of the room.] Mr. Smith, you must speak a little louder; we can't hear you.

Gov. BUTLER. That is not my fault; you hear me, don't you?

Mr. BROWN. I hear a sort of rough sound. [Laughter.]

Gov. BUTLER. I have no doubt you think it so. [Laughter.] Hadn't you better let me alone?

Mr. BROWN. I will keep still, Governor.

Q. Now, didn't they use to clean up on the occasion of these official visits there? A. We would see that everything was in order.

Q. I know: "see that everything was in order." Well, now, didn't they clean up, scrub up and dress up? A. I don't know that we did any more than we usually did.

Q. Then, if you usually did, what is the use — A. We always tried to keep the place —

Q. I know; you always tried to keep the place extra clean. Leave that out. You have told me that, this is, I think, the sixth time; the fifth, I am certain about. Now, won't you just confine yourself to the question: did you clean up on such occasions? A. Yes, sir.

Q. What? A. We did.

Q. You did always? A. Usually.

Q. When official visits were known — A. We calculated to.

Q. What? A. We calculated to have it clean; yes.

Q. Did you always clean up when official visits were known

to be about to be made? A. We never made any great extra preparation for it.

Q. I didn't ask you whether you made any great preparations; did you always clean up? Answer my question. A. Yes, sir; we usually cleaned up.

Q. Well, sir; now, please take your hand down and turn so these gentlemen [the committee] can hear you, and answer the question directly, and not make me put a dozen questions to get a little bit of truth. Now, don't you know, Mr. Smith, on your oath, don't you know that there were means of communication from the telegraph station, from the railroad station, by which it could be known when official visitors were coming? A. No, sir.

Q. Have a telephone down there? A. Have a telephone; yes.

Q. What? A. They had a telephone there.

Q. Had a telephone down to the railroad station; and where did that telephone communicate with? A. It communicated with the railroad, I know.

Q. I know, but where was the other end? A. I believe they could communicate wherever — Boston, I believe.

Q. They could communicate with Boston by that means? A. I think they could; I hadn't much to do with that.

Q. I know you didn't have much to do with it; I understand that. They had a telephone; how long had they that telephonic apparatus? A. I couldn't say exactly, but I should say somewhere in the neighborhood of two years, or, perhaps, two or three years.

Q. And they had a telephone in the office that communicated with that one? A. I think they have; yes, sir.

Q. Yes; and before that did they have any means of communicating? A. I never knew of any.

Q. Do you mean to say that you don't know that they did receive information? A. I have no means of knowing that. All the information, all the means that I would know of any one's coming, Mr. Thomas Marsh would come in and say there would be visitors come, perhaps, on such a day. That is all the means I had of knowing.

Q. That is all the means you had of knowing? A. That is all.

Q. Mr. Thomas Marsh, Jr., would come in, you mean by him, I suppose? A. Yes, sir.

Q. Not the old man? A. Yes, sir.

Q. The young man would come into your ward and would say, we are going to have visitors on such and such a day. A. Yes, sir; generally notified me.

Q. You knew what that meant, didn't you? It meant you should get cleaned up, didn't it? A. See that everything was in order; yes sir,

Q. See that everything was in order: yes. Now, there are two or three things further I want to ask about. You had \$300 a year when you went there? A. Yes, sir.

Q. And have you \$300 now? A. No, sir.

Q. What? A. I have \$360 now.

Q. When were your wages raised? A. They were raised when I took — they were raised last, the first of September, it commenced.

Q. The first of last September? A. Yes, sir.

Q. Then you stayed there from 1876 to 1882, four years, and a little better, at \$300 a year? A. I did; yes, sir.

Q. When did they put you on that hard work and overwork you? A. Well, when I left this hospital, called No. 19, the first place I was in, the place I was in four years.

Q. Well, now, you went into hospital No. 19, which is the old men's ward, isn't it? A. Well, no, it is not; it was a branch of the hospital.

Q. I know; but that is what it was called, wasn't it? A. No, sir; it was called hospital 19.

Q. Hospital 19; what class of patients were in it? A. I had a good many phthisis cases.

Q. A good many what? A. A good many phthisis cases; consumption.

Q. That is a good many consumptives? A. Yes, sir.

Q. That were put in there; and a good many old men? A. Some old men; yes, sir.

Q. Some old men? A. That was the first hospital.

Q. And some what? A. This was the first hospital I was in, that I am speaking of now.

Q. I know; we are now on No. 19. A. Yes, sir.

Q. Where you were for four years. A. The building I am in now has not been changed; that is, it is called 19. — that is, the clothing and everything is marked 19; that is, the building I afterwards left, but this is, — well, a separate building.

Q. I mean this hospital by the gate. A. Yes, sir; the clothing in that now is all marked 19, but I removed.

Q. I don't care about the clothing marked; I only want to get the building. A. Yes, sir; it is called 19.

Q. And for four years after you went there you were in this hospital or ward or building, where the consumptive patients were and the old men were? A. No, sir.

Q. As a general rule? A. No, sir; they were rather sick patients, convalescent patients, patients that were in the other hospital, and were recovering, and were put into this.

Q. Yes; convalescent patients. A. Yes, sir.

Q. The consumptive patients were not generally convalescent very much, were they? Not reckoned as convalescent?

A. Chronic, we called them.

Q. They were chronic, — chronic convalescents; that is, chronic — getting well. — convalescent means that, in our neighborhood. And there was where your duty was to be, and there you attended all the time, I suppose? A. Yes, sir.

Q. Very well; and nobody else had charge of that ward but you while you were there? A. I was the only attendant there.

Q. You were the only person having charge except the superior? A. Yes, sir; physicians.

Q. Well, there was a physician; but the physician didn't have much to do there, because these were convalescents, you know. Now, then, in that ward you say all the beds were clean? A. Yes, sir; I attended to that business.

Q. And you say the straw was right, but whether rye straw, or wheat straw, or oat straw, you don't know; you don't know enough about straw to know that? A. No, sir.

Q. What? A. I am no judge of straw; no, sir.

Q. Then, if you are no judge of straw, whether it was good straw or bad straw, you don't know? A. It appeared to be good straw, as far as I know; about such straw as I have ordinarily seen.

Q. We know where you have generally seen straw; it was there. Now, then, those beds were clean; and all these patients, for a time, had to go out to a privy, did they? A. There was a privy connected with the building; that is, it was attached to the building; it was built out from the building.

Q. Did it open into the main ward? A. Yes.

Q. And was it an ordinary privy with a vault? A. It went down into the ground; was bricked at the bottom.

Q. Brick vault? A. Bricked at the bottom; yes, sir.

Q. And that was cleared out once a week? A. Yes, sir.

Q. And loam thrown in at other times? A. Yes, sir.

Q. Now, then, were there any conveniences where those patients bathed in that building? A. No, sir; there was —

Q. Answer that; if there was say so, and if there was not say so. A. We had a bathing-tub there; at least, one of these portable tubs.

Q. One what? A. Sort of a portable bath-tub.

Q. There were no conveniences in there for bathing but a portable bath-tub. How many convalescents were there; how many were there in the ward as a rule; how many beds had you? A. I had 34.

Q. And were these, as a rule, all filled? A. There were two rooms, one above the other.

Q. Did you have charge of them both? A. Yes, sir; I had the whole building; one 18, and 16 in the other.

Q. Thirty-four; now, then, — 18 beds in one and 16 in the other,—and they had for bathing conveniences one portable bath-tub. About what sort of a tub was that? A. I will qualify it in this way: Those that wasn't able to go up to the main place to bathe was put in this tub and those that were able went up to the regular bathing place.

Q. The regular bathing place. A. Yes, sir.

Q. All right; and this bath-tub was for those who were not able to go up there? A. Yes, sir; there was no water in the building.

Q. No water in the building but what was brought in by pail? A. Yes, sir.

Q. Now, then, had you any other charge for four years than of your ward, that seemed to be enough, and of that building? A. That was my duties; that is where I attended.

Q. That is all you had to do? A. Yes, sir.

Q. Now, then, when they went up to the regular bathing place,—when you first went there in 1876.—I want you to describe that bathing place. A. Well, I think it had five,—it was in the basement, and I think it had five or six tubs in it, heat by steam.

Q. Five or six tubs? A. Yes, sir.

Q. And was that regular bathing place where all the people

who were able to go had to go to be bathed? A. I think it was, sir; yes.

Q. Think it was? A. Yes, sir; except the hospital people.

Q. I know; those were not able to go. A. No, sir; but in the other hospital, this main, long building, they had conveniences there.

Q. Just leave that out now; I am talking about everybody except those who were in the hospitals. they were not able to go; all that were able to, in your room, used to go, and all the other able-bodied people went to that general bathing place. Well, now, didn't they have a pond there at some time? A. Not in my building; no, sir.

Q. I know they didn't; they didn't have anything but a portable bathing-tub, — that can't be called a pond, very well, — in your building. A. No; I never saw —

Q. But, I am asking you, at this general bathing place, didn't they have a pond? A. No, sir.

Q. Well, did they have a large tank? A. No, sir.

Q. Was there never any there? A. I never saw one.

Q. Did you ever know whether they had one there? A. If there had been one there I should have seen it.

Q. Did you know there was one there before your time? A. I never knew about it; no sir.

Q. Never heard about it? A. All I know is about my day.

Q. What? A. I only know about —

Q. About your time? A. Yes, sir.

Q. Now, then, about these premises, anywhere, there was never any such a thing as a pond or a large place where people stepped in? A. No, sir.

Q. What? A. Not in any building I ever had anything to do with.

Q. Well, was there in any building that you ever saw there? A. I never saw a pond there myself; no pond at all.

Q. Did you ever see a large bathing place where more than one could bathe at a time? A. I never did.

Q. Never did? A. No, sir.

Q. Anywhere? A. No, sir.

Q. Never heard about such a thing? A. I have heard since the investigation.

Q. Not before? A. I never knew anything about that.

Q. What? A. I never knew anything about bathing, only of my own patients.

Q. Very well. Now, then, your patients went to the general bathing place, and they were always bathed? A. In the bathing-tub.

Q. One at a time? A. Yes, sir. Of course, there could not be more than one get into the bathing-tub at a time.

Q. Hot and cold water for the bathing-tub? A. Yes, sir. The water was cold, and was heated by steam.

Q. What? A. The water was cold, and was heated by a steam-pipe.

Q. A steam-pipe went into the tub? A. That is the way.

Q. Now, let us see. You will bathe a person, and then draw off the water? A. Yes, sir.

Q. And then let in enough more, and then you would heat that by steam? A. Yes, sir. A large steam-pipe ran into the tub, — I should think a steam-pipe an inch or two inches in diameter, — perhaps two inches in diameter.

Q. Did that open right into the tub? A. Yes, sir, it did. There was a faucet in it.

Q. You turned the faucet, and let the steam right into the tub? A. Yes, sir.

Q. Full head? A. Yes, sir.

Q. How many would you bathe there? You had regular bathing days, I suppose. A. I never had but a very few who were able to go there.

Q. Very few of yours were able to go? A. Yes, sir.

Q. They went on the regular bathing days, when other people were bathing? A. We had a separate day for bathing our patients.

Q. How long would it take you to heat up that water? A. It would not take but a very few minutes.

Q. Well, how many minutes? A. I should not think it would take more than three or five minutes to heat it up sufficiently.

Q. Then you would put another one in? A. Yes, sir.

Q. Now, are you ready to swear, as I am afraid you were understood to say, by the way the question was put to you, that there never was anybody bathed in that institution in the same water that any other person was bathed in? A. I never did it myself.

Q. You never did it yourself? A. No, sir.

Q. Now, is that all you will say on that subject? A. No,

sir; I would say that I think I have seen two bathed in this building, but I had nothing to do with it.

Q. I know. Stick to your text. You say you have seen two bathed in the same water. Where was that? A. That was in this main building where I used to send patients.

Q. This was the main building where you sent patients? A. Yes, sir.

Q. Two bathed in the same water. Now, we have got two. Now, will you swear there were not more than two bathed in the same water? A. Yes, sir; I will swear, to the best of my recollection.

Q. You recollect two, and there your recollection stops? A. I never recollect of seeing but two. I had no control over that.

Q. Pardon me; you are not to blame for it. I don't think you did wrong. Don't try to get clear from it. But I want to know what some other fellow did; that is the fellow I am after. Now, won't you tell me how many more bathed in the same water? You are not to blame for it at all. A. I never knew of more than two, and I don't know that I ever knew of but a few instances of that being done.

Q. A few instances of two being done. Well, that is to say — were those all done on the same day, or different days?

A. Well, I don't recall it being done only at one time; that is the only thing I recall.

Q. At one time you remember there were several instances when there were two bathed in the same water. Anything special on that day, that you remember, that should cause that to be an unusual state of affairs? A. Well, it happened to occur to my memory, that is all.

Q. But that happens to strike your memory? A. Yes, sir.

Q. Then that is the first time you ever saw such a thing done, is it not? A. Yes, sir.

Q. You saw it for the first time; and, seeing it for the first time, it struck your memory; but after you got used to it, you don't remember it? A. I don't remember but one time, and I remember that by the circumstances, and the party that did it.

Q. Who was he? A. The man that had charge of the bathing-tubs.

Q. What is his name? A. Joseph Parks.

Q. Joseph Parker? A. Parks.

Q. What was he? A. He had charge of the bathing-tubs.

Q. When was that? A. Well, I should think it was four or five years ago.

Q. About five years ago? A. I should think so; somewhere in that neighborhood.

Q. What was his other business? A. He was a tailor.

Mr. BROWN. That is the man we have heard of before.

Gov. BUTLER. No; we have heard of his empty coffin before. We haven't heard of him.

Mr. BROWN. Yes; we have heard of him and of his empty grave.

Q. He was a tailor, and he had charge of the bathing. He was an inmate, wasn't he? A. Yes, sir.

Q. You knew him. A pretty clever gentleman, wasn't he? A. I liked him very well, myself.

Q. You all liked him? A. I believe he hadn't many enemies; he had some.

Q. He was generally liked? A. Yes, sir.

Q. Well, did you hear of inmates, after he died, going to put flowers on his grave? A. No, sir; I did not.

Q. Did you ever go to his grave? A. No, sir; I never did.

Q. Did you attend his funeral? A. No, sir.

Q. Why not? He was a fellow you always liked. A. He didn't die with me; he died in the other hospital. He was with me the most part of the time; but he got so bad that he was sent to the principal hospital, and died there, and I didn't know whether he died — I think he didn't, though he might have died during my vacation, but I think he didn't.

Q. Now, why didn't you attend his funeral? A. I don't know. I was not in the way of knowing. A great many parties die, and I don't know anything about them. It was so common a thing for people to die that I would not know.

Q. You would not take any notice? A. I would not know about it if it was not under my supervision.

Q. But where a man had a funeral you would know about it? A. I didn't hear of his having any funeral.

Q. What? A. I didn't hear of his having any funeral, except what I have heard since the investigation.

Q. Did you ever see his grave? A. No, sir.

Q. Well, now, he had been with you a good while? A. He had; yes, sir.

Q. He had been in the house a good while, in the institution?

A. Yes, sir. I will qualify that. He was back and forth from one hospital to the other. If he got bad they would put him in the hospital, and if he got a little better they would send him to me.

Q. When he convalesced, he came with you; when he went back, he went back to the hospital; and finally he died in the hospital. Now, what did he die of; consumption? A. I have heard it was. I think that is what they pronounced it.

Q. What? A. I think that was what they pronounced it; yes, sir.

Q. Should you pronounce it the same way? You had him in charge. A. I should; it was, to the best of my knowledge. I don't pretend to be a physician.

Q. Yes; he had consumption. Now, what had he done, this consumptive, to be splashing around in the water, bathing people? A. He didn't bathe them; that is to say, he superintended the bathing. He superintended, and he used to furnish clothes for them. When they wanted new pants, he would furnish them to them. When they came to bathe, if their pants were old or filthy, he would exchange them, and give them better, give them clean ones; that was his duty.

Q. Then French Joe didn't do that? A. It belonged to him to do it, but Parks volunteered to do it.

Q. It belonged to French Joe to do it, but he didn't do his duty, and Parks volunteered? A. He had the oversight of it, French Joe did. He was about there.

Q. French Joe had the oversight of it. And I suppose he did it when French Joe was on his visits to Boston, didn't he? A. I never knew of his making visits to Boston in Parks's time.

Q. What? A. I never knew of French Joe's making any visits to Boston in Parks's time.

Q. When did Parks die? A. I won't be sure; but, if my memory serves me, I think in 1878 or 1879, in October.

Q. Parks's time ran clear back of 1878 or 1879. So French Joe, if he came to Boston at all, came in that time, before 1878. Well, now, we will leave him. Now, do you know of any dead bodies being carried off from there? A. No, sir.

Q. Ever hear of it? A. I have heard of it since this investigation began.

Q. I mean up to the time when this wicked investigation —
A. No, sir.

Q. Leave that out, because everybody knows about it now. And you were there four years, and never got the idea that any pauper's body was transported away anywhere? A. No, sir.

Q. Did you know Mr. Manning in his lifetime? A. Never did; no, sir.

Q. Didn't know that he was there? A. No, sir.

Q. Ever been to his house? A. Never was. Have been down by it, but never in it.

Q. Did you ever see him at the almshouse? A. Never saw the man; don't know him; never saw him in my life.

Q. Ever seen his team? A. Not to know it. I have seen teams and pleasure-wagons that he had, that they used sometimes; that is a buggy, — not exactly —

Q. You saw his buggy, but you never saw his other cart? A. I never saw it.

Q. And you never knew that anything of the sort was being done? A. No, sir.

Q. Never suspected it? A. Never did.

Q. Never heard a word said about it, because if you had, you would have suspected it? A. Never anything said about it, because nobody knew about it, I suppose. I didn't.

Q. Now, you would not have felt very comfortable about it if you had known they were lugging them off, and cutting them up? A. It would not have been anything that concerned me.

Q. And you didn't attend to anything that didn't concern you? A. All my duties were to see that those persons were properly cared for, and put into a coffin.

Q. And you took care of those, and did not attend to any other matters? A. Yes, sir.

Q. Now, then, almost anything might have been going on in other departments, and you not know anything more about it than you did about this? A. I usually spent most of my time in my hospital. I didn't know of the dead going away from there.

Q. And there might have been any quantity of cruelty in the other wards and you would not know about it? A. No, sir; I should not know anything about it.

Q. And there might have been any number of complaints, and you would not have known of them, except it was told you; and no one would complain to you, except those old men and

convalescents? Whatever was going on elsewhere, you might as well have been here, as far as any notice you would have received, was concerned? A. Yes, sir.

Q. Now, let us go a little to this bread business. Did you ever eat in the inmates' dining-room? I don't mean, now, in the hospital. A. I never did; no, sir.

Q. And what on earth they had to eat there you don't know anything about? A. Yes, sir; I know that they had the same that they have had since I have been there. At the present time they are having —

Q. Leave out the present time. I hope it is better now. I am going back. You never ate in the inmates' dining-room, and what they had to eat you don't know, do you? A. Yes, sir; I do.

Q. How? A. Because I had the same food for my patients in the long ward. That is, I set two tables.

Q. By the long ward, what do you mean? A. I mean the first ward I was in.

Q. Ward 19? A. After leaving the old building —

Q. Wait a moment. You stayed in the old building four years? A. Yes, sir.

Q. Now, take it those four years, what do you know what the inmates had to eat? A. I don't know anything about it, at that time.

Q. That was four years from 1876? A. Yes, sir.

Q. They might have had fish and potatoes, or anything else? Now, then, you always ate at the officers' table? A. I didn't always eat there; occasionally.

Q. Occasionally you were in the hospital? A. Yes, sir.

Q. You never ate in the old men's ward, I take it, during the four years? A. Well, the building I had might be called the old men's ward, for the old men patients were sent from the old men's ward to me.

Q. I agree. We won't go back over that again. But you never ate in this long building, or whatever you call it, — only call it something, and stick to it. A. The hall is what it is called.

Q. Did you ever eat in the hall? A. I never did.

Q. Then, for four years, you never ate in that? Did they have an officers' bathing-tub there? A. In the hall?

Q. In any place? A. An officers' bathing-tub? I never

bathed in any other tub than the regular tubs the inmates bathe in myself.

Q. You always bathed there? A. I always did.

Q. You always bathed there, and you always ate, excepting four years, at the officers' table? A. I belong at the officers' table.

Q. And you have stuck to it. Well, now, they had white bread at the officers' table? A. Yes, sir; white and brown both, and graham.

Q. I am after the white. That was cooked in the officers' kitchen, was it not? A. Yes, sir.

Q. And was very good bread, was it not? A. I didn't think it was anything extra.

Q. Then, you are a little particular about your bread. Now, then, they had as good as they did have? A. It was good.

Q. Did they have any chickens there? A. Not very often; no, sir.

Q. Any turkeys? A. Yes, sir.

Q. Any squabs? A. No squabs.

Q. Then, when there were squabs, the officers didn't get them? A. I never saw squabs. I don't know what you mean by squabs. Do you mean pigeons?

Q. You don't know what I mean by squabs? A. If you mean pigeons, I know what you mean.

Q. I mean young pigeons. I will tell you why I asked you, Mr. Smith. I find on the bills that squabs were bought, and I want to know where they went. A. Well, we had them occasionally.

Q. Oh, you did? A. We had pigeons occasionally.

Q. When? A. Occasionally.

Q. I didn't suppose you had them as a regular diet. A. Once or twice a year, sir.

Q. In the early spring some time. Well, now, then, you had good coffee? A. Well, fair. I didn't drink coffee; I drank tea mostly.

Q. Then, how good the coffee was you don't know? A. Yes, I have tasted it.

Q. And there they had good tea? A. Yes, sir.

Q. And when you tell us that the tea was very fair and the coffee was fair, you mean in the hall? A. No, sir; I mean in the hospital.

Q. In the hospital. Very well. Now, then, we have got

through four years when you didn't know anything about the food. Now, we will go to the hospital. When did you go into the hospital as against the hall? A. I went on December 10, I think; two years ago last December, I think it was.

Q. That would be December, 1878, wouldn't it? A. No; 1880.

Q. In that neighborhood. I thought it was two years and a half ago. And you have been in the hospital ever since? A. No, sir; I am not in the hospital now; I am in the same building. It is separated by the dispensary. I have been in the other end of the building.

Q. Well, how long did you remain in the hospital? A. I remained there about a year and a half, I think,—remained there until last August.

Q. And then you were in that hospital. What class of patients were in that hospital? A. At the time when I went in there was a change. The males were sent where females had been. This room of mine in this building contained 76 beds, and I took up my patients from this building, No. 19,—I had 34, and what I had I took those up, and that was not sufficient to fill the ward, and in order to fill the ward they were sent from the old men's ward into my ward to fill up the beds.

Q. And now, if I understand you, when you got into the new hospital this was changed, and you received your old patients and enough new ones to make up the complement? A. Yes, sir.

Q. So that really you are in about the same business? A. Yes, sir.

Q. And you had as much inmate help, I suppose, as you wanted, and rather more? A. Not at all times I did not.

Q. So that up to last August you were substantially in the same business, only it was changed into a new building? A. That is all.

Q. Now, then, when you changed your old patients into this new building was there any change in diet? A. Yes, sir; I was going to say that my patients that I had had still retained the hospital diet, and those that had come from the old men's ward were furnished with what we called the hall diet. I had two tables.

Q. You had one table with the hospital diet and the old men had another diet. A. Yes, sir.

Q. Now, did you ever eat at that old men's table in that

ward, up to last August? A. I have drank the tea there, and I think I have eaten bread. Yes, sir; I think I have.

Q. You have drank the tea? A. Yes, sir; I had my choice. I could have the hospital tea, or I could have that.

Q. What? A. I sometimes used to think that the tea that the inmates had was stronger than that we had at the hospital.

Q. Than you had at the hospital? A. Yes, sir.

Q. And you went for the strongest tea? A. Yes, sir.

Q. Sometimes there were different grades of weakness, and you took that which seemed less weak. And that was the only difference you saw? A. Yes, sir.

Q. Now, state what difference in diet there was on those two tables. A. They had, in addition, butter; in the morning and at night they had butter.

Q. That is, in the hospital part of it? A. Yes, sir; and molasses.

Q. And they had molasses? A. Yes, sir.

Q. Any other difference? A. Yes, sir; they had pudding. They had mush, or rice, or corn starch, with milk, for their dinner.

Q. Those were hospital people? A. Yes, sir.

Q. Now, then, you told us that one objection they had to their food was that they had the same thing every day? A. Well, I was speaking then—the food in the hospital was some different; the food at the hall was the same, and the food at the hospital was different food—somewhat different. The only difference breakfast and supper was that they had butter and molasses.

Q. The only difference from the others? A. Yes, sir.

Q. But this food was such that you made the criticism that it was the same every day. Now what was it? What was the main article, in the hospital or the hall? It was the same thing except butter? A. No, sir; I said pudding.

Q. Well, leave out the pudding. A. Well, they had in the hospital, on Thursday, roast beef.

Q. They had roast beef of a Thursday in the hospital? A. Yes, sir.

Q. And among the inmates they didn't? A. No, sir.

Q. Very well; now let us get what their diet was that you say was the same every day. Commence in the morning, —

Monday morning — and what was it? A. Well, you mean the old men's or the hospital?

Q. I mean those that made complaint of having the same every day. If you will go along and tell me what they had one day, then if you mean every day, I will get it all. I want to get what you meant when you said it was the same every day. I want you to give me a description of the food you were talking about. A. Well, in the old men's they had plain bread and coffee for breakfast.

Q. That is to say, the whole diet was bread and coffee? A. In the morning; yes, sir.

Q. Well, at noon. A. At noon, on Mondays, I think they had corn-beef. I think they had the same that they had in the hall on Mondays.

Q. But now we are in the hall, sir? A. Well, in the hall—

Q. I want the inmates — I want now, if you will tell me — A. Yes, sir; yes, sir; yes, sir.

Q. If you will tell me, those inmates in the hall who had hospital diet. Now they had coffee and bread in the morning, and corned beef and potatoes at noon? A. Yes, sir; and rice pudding and sauce.

Q. Rice pudding and sauce. Very well; what at night? A. At night they had tea and bread, unless specially ordered. Sometimes they might have milk or something specially ordered different.

Q. The next day and the next day of the week would be the same? A. It would be the same diet.

Q. And on Thursdays the hospital people got some roast beef? A. Yes, sir. And they got milk and pudding every day, which the others didn't get.

Q. Which the old men didn't get? A. No, sir.

Q. Now you said this was dark bread? A. It was not very dark.

Q. No; not very. I only want to know—it was darker than the bread they made in the officers' kitchen, was it not?

A. Yes, sir; a little darker.

Q. And sometimes it would be a little sour? A. I never knew; I don't think I ever knew more than two instances in which it was sour.

Q. You only knew of two. I suppose you didn't eat this sour bread; and this dark bread on the officers' table, that was

the bread cooked elsewhere? A. Yes, sir. That would come from the Captain's table.

Q. Now, during all the time you were there, did you ever see any of this dark bread served on the officers' table? A. I think that the graham bread was.

Q. Leave out the graham bread? A. The brown bread, I think is served.

Q. Will you answer my question? Did you ever see any of this dark bread served on the officers' table? A. No, sir.

Q. Never. And you were there all the time as constantly as you have told us, and only went away one day in a month? A. Yes, sir.

Q. Well, you would not quite credit the story of somebody who should say that as a rule he ate this dark bread at the officers' table because he preferred it, would you? A. Well, if he meant the graham bread or the brown bread —

Q. Well, I am not talking about the graham bread or the brown bread? A. I can conceive of a man taking it in preference.

Q. I know; a lively imagination could. I am not talking about conceiving, but how could he get it if it was not there? Suppose he conceived, how could he get it? A. He could carry it there if he wished.

Q. Yes; he could carry it there. Now, do you know anything about these babies dying so fast there? A. Yes, sir. I was in the building next to them.

Q. Do you know what was done with them? A. I don't; no, sir.

Q. Did you ever see? You don't know what was done with a single one of them? A. No, sir.

Q. Well, now, you have been asked about people dying in the same ward where they were sick, and going through the death scene without being carried any where else. After the death scene took place, were they put into the box from the bed? A. Where a patient dies we usually take off his clothing and wash him thoroughly, all over, and then put on suitable clothing for him.

Q. Suitable grave clothing? A. Yes, sir; a sufficient covering. Then we usually lay him out and leave him. After he is prepared for burial, we usually send for the doctor to have him see him and see that he is really dead.

Q. Now where is all that done? A. It is done in the ward.

Q. On what? A. Immediately, after I prepare a person or a patient for burial, if the doctor is handy I tell him that such a man is dead.

Q. Leave out the doctor. I am asking where the man is prepared for his burial? A. In the ward.

Q. On what; on his bed? A. Yes, sir.

Q. On the bed? A. Yes, sir.

Q. After the doctor has certified him to be dead, is there a coffin brought in and the body put into it? A. There is; yes, sir.

Q. There is a coffin brought in by the side of his bed and he is put into it? A. Yes, sir.

Q. Well, are you very particular to put on good and proper grave clothing for these men? A. We usually put on a good clean shirt on to him, and then there are two nice sheets, purposely for men that die, that we call grave sheets and that have never been used.

Q. And that is done in every case? A. Yes, sir.

Q. And has been for years? A. Yes, sir.

Q. Well, if you had known that all that was going to happen to that man, or to a majority of them, was that they would be taken out into the dead-house and taken out of the coffin and tucked into Mr. Manning's transportation box, what was the use in going through all that performance? A. Well, that was my orders; I went no further than that.

Q. Carried off to be cut up. You always prepared every body for the grave; that was your orders? A. That was my orders.

Q. And you followed them. Who gave you those orders? A. It was given to me by the physician. That is, it has always been the custom to do so.

Q. It has always been the custom? A. Yes, sir.

Q. Tom Marsh knew that you were doing that? A. He would not usually; no, sir.

Q. Why shouldn't he usually know; didn't he ever come in, except to announce that official visitors were coming? A. He might have, but I have known of no such thing as his coming in when there was a body in preparation.

Q. Well, now, all over, — and this was your continual custom? A. Yes, sir.

Q. Were those sheets made on purpose for this use? A. They were; yes, sir; they were new cloth.

Q. And the shirts were new? A. No, sir; the shirts were not new; they were house shirts; clean shirts; washed shirts.

Q. Belonged to the house? A. Yes, sir; clean shirts, such as inmates would put on.

Q. Then the State property was taken and put on around these corpses. Did they receive a decent burial? Did you ever attend a funeral there? A. I never attended a funeral; there was no funeral there. The body was taken from the place and taken to the chapel and services were held there.

Q. I didn't suppose there was a funeral in the hospital — in your ward; I didn't suppose you held a funeral; but if a man died there the body was laid out there. Did you ever attend a funeral at that hospital? A. Never of an inmate; I have of attendants, but never of an inmate.

Q. Never did attend the funeral of an inmate? A. Never did.

Q. Did you ever know of one? A. I never attended any.

Q. Never knew of one? A. Never, except what I read about Parks.

Q. Leave out what was talked about, what you have read since this investigation began. A. I never knew of one.

Q. Well, that is queer; that is odd! Well, how many officers have you known to die there in a year? A. I think there were two died there, I would not be sure, in very nearly a year, I think; a former Mr. French and, I think, a Mr. Pope — they died very near together.

Q. How do they average? A. I could not tell. I think some four or five have died since I have been there.

Q. That is nearly six years and a half. Now, I find somewhere here in the auditor's report an item of \$260 for the services of a chaplain. Did you ever attend church in that establishment? A. I have.

Q. What? A. I have.

Q. How often? A. Well, when I first went there I used to go nearly every Sabbath.

Q. How much do you go now? A. I have not been so much of late.

Q. Well, has there been any service there? A. Service every Sabbath.

Q. Chaplain there? A. Yes, sir.

Q. Well, now, let us see how I shall find it in another place. Here is the report for 1876. The time you went every Sunday they didn't pay anything? A. I have always understood, I never knew from my own knowledge, but I have always understood they received five dollars.

Q. That must have been a contribution, so far as I can see. There never was any chaplain there regularly? A. No, sir.

Q. In 1877 there was paid \$265. A. Of late I have been told that each chaplain who officiates at a funeral receives one dollar.

Q. But you have been one of the unfortunate men who never saw a funeral there, except that of an officer? A. No, sir; I never had a call to go to any other.

Q. Well, there were a good many men buried there who have been under your charge, so that you were quite well acquainted with them? A. Yes, sir.

Gov. BUTLER. Here in 1876 it is \$265. They always had just the same amount for chaplain every year.

Mr. CHESTER moved to adjourn.

Gov. BUTLER [To the witness.] I wish you would not talk with anybody about this evidence you are giving until I see you in the morning.

Adjourned to meet on Friday, May 25, at 9.30 A.M.

THIRTY-EIGHTH HEARING.

FRIDAY, May 25.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

TESTIMONY OF HENRY A. SMITH (*recalled*).

MR. BROWN. I have forgotten whether you had finished the cross-examination, Governor.

GOV. BUTLER. I only want to ask Mr. Smith one or two more questions.

Q. (By GOV. BUTLER.) There was no other man by the name of Smith at the institution who was an attendant there, to your knowledge? A. Not to my knowledge; no, sir.

GOV. BUTLER. What is that man's name that has testified here?

The CHAIRMAN. Kelliher?

GOV. BUTLER. No; Timothy Kelliher I know; but this man is the one who said he would not go back, and has gone back.

MR. BROWN. Haberlin.

Q. (By GOV. BUTLER.) Then you are the Mr. Smith that Mr. Haberlin testified was the only decent man in the institution — must have been if there was not any other. Well, now, Mr. Smith, I want you to tell me whether, upon the whole, you never did hear any complaint there, of hard usage — we won't call it cruelty? A. I never had any in my department.

Q. I know; Mr. Haberlin has testified about that. A. I have heard since the investigation.

Q. Well, leave out since the investigation. A. I never heard anything until it was said in the investigation.

Q. I don't ask whether some things have been stated in the investigation; I want to know whether, during all these years — A. I have heard those things that have been testified in the investigation.

Q. Before the investigation? A. No, sir; I don't think I heard them until since the investigation has been going on.

Q. How closely you stick to that phrase; where did you get that? A. Well, I have read in the papers, and it has been talked over very freely.

Q. Where did you get that phrase that you use, exactly like a parrot, every time? Who told you that? Q. What phrase, sir.

Q. "Never heard of any until since the investigation." That phrase. A. I have not known of any until within some two or three months. I have heard inmates speak of complaints within two or three months.

Q. You have heard inmates? A. Yes, sir.

Q. Leave those out, if you please. I want to know now, didn't you ever hear of any complaint about anything before the time of the investigation — now leave that out altogether — Didn't you hear anybody complain of anybody? A. Not of any particular thing.

Q. I don't want any particular thing now. Did you ever hear anybody complain of anything? A. I don't remember, in my remembrance, of hearing much complaint made.

Q. I don't ask whether you heard much. Answer my question. Did you ever hear any man complain of anything; man or woman? A. Well, I would not be likely to hear much about it unless it was in my department.

Q. Well, I agree there is not much complaint there, and I suppose that is the reason why you are brought here. A. I would not swear that I had not heard.

Q. No, I think you would not. Haven't you heard, leaving out everything since this investigation — don't tell me that again — haven't you heard, during the years you have been there, of people who have been struck? A. I don't think I have heard of any one being struck until within some two months.

Q. Have they been striking anybody within two months?

Mr. BROWN. That is under the new management.

Gov. BUTLER. Wait a minute.

Q. Do you mean they have been striking them? A. I don't know of my own knowledge about it.

Q. I don't ask you of your own knowledge. A. I have heard that they have been struck.

Q. How long ago? A. I should say within two months.

Q. Did you ever hear of it before? A. Never heard of

any until within a short time. Until within two months I don't think I have heard any complaint that anybody has been struck.

Q. Will you swear you have never heard complaints of anybody being struck until within two months? A. I don't remember of any.

Q. I don't ask you to remember a particular instance. Will you swear you never heard of any until within two months? A. Not to my recollection.

Q. Not to your recollection? A. No, sir.

Q. I don't ask you whether you recollect the person. A. I did not hear any complaint of any striking until within two months. I don't remember of hearing of any one being struck, or improperly used, until within two months.

Q. Never at all. All right. Now, then, did you ever hear any complaint of anything that happened there, leaving out within two months? A. I don't know that I did, any particular complaint.

Q. Did you ever hear any general complaint? A. Well, no more than would be necessary. It would be impossible to satisfy so many people without complaint.

Q. Well, without its being impracticable or necessary — I don't want you to judge of it — I want to know what the thing was and judge for myself. Because if you remember whether it was impracticable or necessary you remember the thing. A. I don't remember any complaint being made until within two months.

Q. Where did you get the phrase "within two months?" A. Well, the cases I have known of have occurred within a period of two months.

Q. You have known of cases that have occurred within a period of two months? A. I have not known of my own knowledge, only by hearsay.

Q. Well, do you know of any cases that have happened within two months? A. I have heard that there have been patients struck and jumped on.

Q. That is all within two months? A. I should not think it was more than two months since I heard of it.

Q. Well, will you swear you didn't hear of it more than two months ago? A. I would not swear to the exact period, but it was within a very short time that I heard of it; I would not swear to the exact date.

Q. I don't want you to swear to the exact date. Well, you

heard of this investigation, did you, when it began? A. I did, sir; I read of it.

Q. Now, that fixes a time. Now, will you swear that you never heard anything before that date? A. I don't remember to have heard anything.

Q. Would you swear you did not? A. I would swear I have no remembrance of it.

Q. Who first talked with you about your testimony? A. I have not had any talk about it.

Q. Ever tell anybody what you knew or what you would testify to? A. I told them I should testify to the truth as near as I could.

Q. Whom did you tell that to? A. I could not say.

Q. Do you remember telling that to somebody? A. I could not remember; we have been talking the subject over; it has been continually agitated every day.

Q. Who did you agitate it with? A. Well, it has been agitated with inmates, officers and all hands.

Q. All hands have been agitating it every day. Anybody besides inmates and officers? A. No, sir; I have had nobody to talk with. I haven't been anywhere else to talk with anybody else.

Q. I know, but somebody might have been to you. A. No, sir; there has been nobody to me.

Q. Well, now, what officers have you talked with? A. Well, I suppose I have talked with all of them more or less.

Q. Well, now, give me the names of some of them, or let me ask you: ever talk with Mr. Marsh, the Captain? A. No, sir; he never said anything to me about it.

Q. Very well; leave him out. Ever talk with Tom Marsh, Jr.? A. No, sir.

Q. Leave him out. Ever talk with Charles Marsh? A. No, sir.

Q. Leave him out. Ever talk with the old lady? A. No, sir.

Q. Leave her out. Ever talk with Dr. Lathrop? A. No, sir.

Q. Leave him out. Ever talk with either of the other doctors? A. No, sir.

Q. Leave them out. Now, who did you talk with? A. Well, I have talked with some of the help and some of the attendants.

Q. Who are the attendants? A. I could not say; I have probably talked with most all of them.

Q. Did any of them talk with you? A. Well, it was generally remarked at the table, and talked about every day.

Q. Then that means where the Marshes were present? A. No, sir; they didn't dine at our table. We had a separate table.

Q. It was talked over every day? A. Yes, sir; we had conversation.

Q. You told me you never attended a funeral. You told me, yesterday, that you were a good deal overworked. A. I was, at one time. Most of the time I have had a very comfortable time of it; with the exception of a year and a half, when I had rather more than I could attend to.

Q. You were not under obligation to stay there, were you? A. No, sir. I was going to leave and I was requested to stay. They wanted me to stay. I was on the point of leaving at two different times.

Q. (By Mr. BROWN.) You haven't had any talk with counsel? A. No, sir.

Q. Never exchanged a word with him, did you? A. No, sir; not to my knowledge.

Q. Did you ever see him before you came into this room? A. I did.

Q. Where? A. At Tewksbury, I think, at a political meeting. I heard you speak.

Gov. BUTLER. We will find out about that. Thank you. You have put your foot into it, Mr. Brown.

Q. (By Mr. BROWN.) You never had any talk with me about this case? A. Never.

Q. Until you came into this room? A. No, sir.

Q. You speak about these complaints, and you say that they are all within two months, according to the best of your recollection? A. Yes, sir.

Q. Will you swear to this, that they have all started since His Excellency was inaugurated? A. Yes; I think I could.

Q. You will swear to that? A. I think I could.

Gov. BUTLER. I will agree to that.

Q. Now, you spoke about the funerals of inmates. You stated you never saw the funeral of an inmate? A. Well, we never were accustomed —

Q. Now, I want you to explain what religious services were had on the occasion of the death of an inmate.

Gov. BUTLER. Did he ever see any?

The WITNESS. I never saw them; but I know that after an inmate was properly prepared and put in a coffin, he was taken into the chapel and services were read over him.

Q. Do you know who performed this service? A. Yes, sir.

Q. Who? A. At one time Mr. French, the minister at Tewksbury Centre.

Gov. BUTLER. Does this man say that he was there?

Q. Were you there at any time? A. No, sir.

Mr. BROWN. Then I won't go into that.

Gov. BUTLER. He has been filled up again over night.

Q. Mr. Smith, have you had any conversation with anybody about this case since you left the stand yesterday? A. No, sir; I refused to speak to anybody; I told them His Excellency forbade me to speak about it.

Q. And you obeyed the injunction of His Excellency? A. Yes, sir.

Mr. BROWN. You see, Governor, he was not filled up over night.

Gov. BUTLER. He said he didn't speak with anybody. He has not said that they didn't fill him up. I will ask him the question, sir.

Q. (By Gov. BUTLER.) Hasn't somebody talked to you? A. No, sir.

Q. Then how could you tell them that His Excellency told you not to talk about it? A. They would commence, and I would tell them that His Excellency told me not to talk about it, and then they would go away.

Q. How many of them came in that way? A. I don't think there was more than one or two.

Q. Who were they? A. Well, the baker was one.

Q. Anything said about funerals? A. No, sir. He had read the testimony in the paper; he had got a paper in Lowell.

Q. I understand. He had read the testimony, and he talked about the funerals and about your saying that you never attended any? A. No, sir; I didn't speak about it.

Q. Did he talk to you about it? A. I didn't give him any information.

Q. Did he give you any? A. No, sir. He told me what he saw in the Lowell paper, and I made no comments about it.

Q. Now, I want to go to another matter.

MR. BROWN. Hadn't you better wait until I get through?

GOV. BUTLER. Hadn't you got through?

MR. BROWN. No, no.

GOV. BUTLER. I beg your pardon; I beg your pardon.

Q. You say that this man Parks, the tailor, at one time had charge of the bathing under French Joe, and that you saw two persons bathed in the same water? A. Yes, sir.

Q. Now, I want you to tell me fully about that? A. Well, at one time, I think, there was some trouble that they didn't have sufficient water or sufficient steam; there was some reason that they were not able to handle each one separately.

GOV. BUTLER. Just turn your head this way.

THE WITNESS. I think there was some trouble of shortness of water, or something of that kind, why it was done.

Q. That is, on that particular day? A. Yes, sir.

Q. Do you recollect any other instance except one? A. That is the only one I recall now, that particular case.

Q. Well, was anything said or done about that? A. No, sir.

Q. Was the condition of either of the persons bathed in that water exceedingly filthy? A. No, sir.

Q. Do you know who the persons were? A. I could not remember; it was five or six years ago.

Q. Was that down in the bathing-room under the office? A. It was down in the bathing-room. It was down in the bathing-room where they used to keep inmates' clothes, and where French Joe is. The bathing-room has been changed since then. It was formerly in the room kept by French Joe, where inmates' clothing was kept and registered ready for delivery.

GOV. BUTLER. Is that all?

MR. BROWN. Yes, sir.

Q. (By GOV. BUTLER.) Hold on a moment. You told brother Brown the first time you saw him was at a political meeting at Tewksbury? A. Yes, sir.

Q. When was that? A. Last fall, I think.

Q. Did he stop at the institution? A. I could not say whether he remained over night. He was there before the commencement of the meeting.

Q. You don't know whether he stayed over night or not? A. I do not recollect.

Q. How late was the meeting held; was it in the evening? A. I think we got through at half-past nine or ten.

Q. Do you know of any train that goes away from Tewksbury after that? A. I could not say; I am not acquainted with the trains that go late.

Mr. BROWN. I can save you a great deal of trouble. I stopped—

Gov. BUTLER. You need not save me any trouble. I don't want any of your assistance. I am getting along nicely.

Q. Now, did he take his supper there? A. I could not say, sir; I think I saw him in the office. I happened to pass in on business, and I saw him in the office.

Q. Did you go to the meeting? A. I did.

Q. Did you see him there? A. I heard him speak; yes, sir.

Q. Did he speak with you? A. I saw him at the political meeting; yes, sir.

Q. And heard his speech? A. Yes, sir.

Q. Did you ride over with him? A. I think I was on the way, walking along, and they came and they took me into the carriage—Mr. Marsh did—and took me up to the meeting.

Q. You were riding in the carriage of the institution? A. I think it was the carriage that they used; yes, sir. I think it is the same carriage that they use when they go down to the village.

Q. It was the omnibus. Well, did you come back with him? A. No, sir; I came back afoot.

Q. Did you see him come back? A. No, sir. I think after he came back we had a collation at Mr. Foster's.

Q. Well, there is a new extravagance at the institution? A. It was not connected with the institution; it was a private affair.

Mr. BROWN. He says this collation was at Mr. Foster's, not at the institution. I see you are laughing without knowing what you are laughing for.

Q. Here was a use of the State property in conveying electioneers around against me, was there not? A. I didn't hear anything said against you, sir.

The CHAIRMAN. It don't appear yet on which side he spoke.

Gov. BUTLER. Have you any doubt of it, sir; I will ask him if you have any doubt. I didn't know where all the campaign fund came from; I do now—some of it.

Q. (By the CHAIRMAN.) Mr. Witness, I want to ask you about this bathing. I understand you had charge of some sev-

enty or eighty? A. Yes, sir; upwards of that. I used to bathe those that were outside and took their meals there.

Q. Some of the witnesses have spoken about a great many of those who were bathed having sores upon them. How is that in your experience? How many in seventy or eighty would have running sores upon their persons?

Gov. BUTLER. These were the old men, convalescents?

The WITNESS. Well, there were some few in there; not many; they were always mixed complaints and diseases.

Q. You would not undertake to give any number? A. No, sir; the cases of sores were mostly in the other hospital — the principal hospital.

TESTIMONY OF PHEBE B. SPEAR (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Phebe B. Spear.

Q. What is your present occupation? A. Matron of the Girls' Friendly Society.

Q. Where is that located? A. At 51 Temple Street.

Q. And were you at one time connected with the Chardon Street Home? A. Yes, sir.

Q. When was that? When did you leave? A. Two years ago.

Q. What was your position there? A. Matron.

Q. How long were you matron? A. Ten years.

Q. So that carries you back to about 1871? A. Yes, sir.

Q. Now, you were present here yesterday, and you saw these records that we saw? A. No, sir; I didn't come in until afterwards.

Q. They will be here in a moment. Did you send children from Chardon Street Home to Tewksbury? A. Yes, sir.

Q. Under whose direction is the Chardon Street Home at present?

Gov. BUTLER. Or was it then.

The WITNESS. It is the same now as then.

Q. It is under the management of whom? A. The overseers of the poor. The committee are chosen from the overseers of the poor.

Q. Now, in 1876, '77 and '78 who were the committee of the overseers of the poor that had the management of the Chardon Street Home? A. I am not quite positive about the

time when I went there, but I think Dr. Fabyan and Mr. Buckley were the committee. They died, and I don't remember who succeeded them.

Q. Well, who succeeded them? A. Mr. Temple, Dr. Crane and Mr. Bigelow. Dr. Crane resigned.

Q. So then it was either Dr. Allen, Dr. Fabyan or Mr. Buckley, or Mr. Crane or Mr. Temple or Mr. Bigelow who had charge. Now, did you receive from them instructions in regard to the children that should be sent to Tewksbury? A. Yes, sir.

Q. Now, following those instructions, tell me what children out of those received at the Chardon Street Home you sent to Tewksbury? A. The most miserable ones. Those that I felt were not suitable for adoption, and that they were not willing to take in other institutions.

Q. Those that were not suitable for adoption or which institutions were not willing to take? A. Yes, sir.

Q. Was the Massachusetts Infant Asylum one of the institutions that came there to take children? A. Yes, sir.

Q. During those three years? A. Yes, sir. Well, they did more or less all the time.

Gov. BUTLER. I don't hear you.

The WITNESS. They took them from there all the time, whenever we had good healthy children.

Q. Now, I open this record, volume one, page 139, date Nov. 9, 1872. Is that your handwriting? A. Yes, sir.

Q. Now we go on with that until we come to May 29, 1876: "Sent to State almshouse at Tewksbury, Jessie Holgrave, doubtful." I notice on this register you use the terms "doubtful," "feeble," "fair," and "good." I want you to tell me who made that classification of children as they came in there. A. I did.

Q. And have you ever been educated as a physician? A. No, sir.

Q. How did you make that record? A. To the best of my judgment.

Q. What opportunity did you have for making that record when you made it? A. The condition of the children was such that it was easy to see.

Q. You made a personal examination of each child? A. Yes, sir.

Q. Then you entered there what in your judgment was a fair description? A. Yes, sir.

Q. Now I want to ask you as to the physical condition of the children when they were brought to the Chardon Street Home — these foundlings. A. They were, most of them, very poor.

Q. What else can you say about them? A. Many of them were drugged; many of them were chilled, and they were in poor condition every way.

Gov. BUTLER. I am sorry to say, I suppose it is my fault, but I cannot hear you.

The WITNESS. They were very poor. The children had been chilled by being exposed to the cold; there were many of them drugged, and a great many of them, I presume, never had any health at all.

Q. Many diseased? A. Well, not apparently.

Q. Now, did you ever know any to die immediately upon being received at the institution? A. I think I had one or two that died very shortly; I don't remember exactly, but I think we did.

Q. How long after a child was received at the Chardon Street Home would it be before this record would be made? A. Well, if they were brought in at night the record would be made in the morning; and if brought in the morning it would be made very soon after.

Q. Well, it would be made, I suppose, as a general thing, within twelve hours? A. Yes, sir.

Q. And they stayed there frequently some little time, some number of days? A. Yes, sir.

Q. And I suppose it was unfrequently the case that the condition of the child would materially change between the time when the record was made, or the information was obtained upon which the record was made, and the time when it was sent to Tewksbury? A. Yes, sir.

Q. Now I want to know, Mrs. Spear, — in selecting children for Tewksbury, what children did you send out of all that were received at the Chardon Street Home during all those years. A. The poorest; those that I felt I could not provide a home for elsewhere.

Gov. BUTLER. Won't you repeat that?

The WITNESS. Those that were feeble and miserable and that I felt I could not provide a home for.

Q. Did the matter of your ability to provide a home for a child depend upon its physical condition? A. Yes, sir.

Q. To what extent? A. Well, no one would adopt a child that was sick.

Q. That you found as the result of your experience — that no one would adopt a child that was sick; that no other institution would take them unless they were healthy, and that your last resort was Tewksbury? A. Tewksbury was the last resort.

Cross-examination by Gov. Butler.

Q. Those records that you made, I suppose, were honestly made, according to your best knowledge and belief? A. Yes, sir.

Q. And when you put down that a child was in good health it was in good health? A. I felt so.

Q. So far as you know? A. Yes, sir.

Q. And when you put down that it was in fair health you thought it was in fair health? A. Yes, sir.

Q. When you put down that it was sick you believed it was sick? A. Yes, sir.

Q. And when you put down it was diseased you believed it was diseased? A. Yes, sir.

Q. Now, then, having got so far — you gave your honest opinion and you took daylight to make that investigation; if it was night you looked after them in the morning, and you had a good deal of experience. Now, will you tell me, can you tell me about how many you got adopted from July 22, 1876, to November 6, 1878. A. No, sir; I could not.

Q. Could you tell me about how many? A. No, sir.

Q. Well, we have run over this — and I will verify it if my brother wants me to — and we find two in good health adopted; one fair health adopted; one good sent to St. Mary's Hospital — that is a Catholic institution? A. Yes, sir.

Q. And one "excellent" to St. Mary's Hospital, and four "good" to Dr. Dixwell. That is your record. Then we have, during these years, ten out of the whole number adopted. And how many was the whole number? [To Mr. Records.] You can tell that in five minutes, because there is one on each page. — We find by that register that you received during that period 84, we find that you adopted 10 and that left 72, and we find that you sent 71 to Tewksbury. There was not much picking and choosing of the rest of them. A. We always sent those

that we felt would not live. Those went to Tewksbury that we felt there was no chance for. Nothing good ever went to Tewksbury.

Q. Sure about that? A. Yes, sir.

Q. Sure about that? A. Not of my sending.

Q. What? A. Not of my sending.

Q. Well, this was your time, was it not? A. Nothing good ever went to Tewksbury.

Q. Well, let us see if there didn't. It shows how easy it is to be mistaken. Won't you just turn to some of the good ones. [Page 246.] That is all in your handwriting? A. No, sir; that is not.

Q. This was in your time. Whose handwriting is that? A. Mr. Doe's.

Q. Who is Mr. Doe? A. He was superintendent.

Q. Was he over you or under you? A. Well, he did his part of the work and I did mine. I was matron and he was superintendent.

Q. Well, this was made by Mr. Doe? A. He made that; yes, sir.

Q. Well, this was in your time. Here we have "Henrietta Weston, female, white, blue eyes, brown hair, on steps of house occupied by H. Woods, Ashland Street, 4th October, afternoon; about a month old; November 7, 8.30, brought to home; Officer Newcomb, Station Five; physical condition good; December 19" -- some days afterward -- "sent to State almshouse, Tewksbury." A. Well, I presume when it was taken it was thought to be good. I presume when we took it it was thought to be good and it proved afterwards not to be.

Gov. BUTLER. Now, that was that case. Now, we will try again.

Mr. BROWN. How many days after it was received before it was sent to Tewksbury?

Mr. RECORDS. One month and twelve days.

Gov. BUTLER. Now, let us see what happened to this child. It went to Tewksbury; now let us see what happened to it.

Mr. RECORDS. It went on the 19th of December and lived until the 12th of January, 1877 -- 24 days.

Q. Now 259. Is that your handwriting? A. No, sir.

Q. None of it? A. No, sir.

Q. Well, then, here is "Berinda Gould, female, white, dark eyes, brown hair, in the entry of the house occupied by E.

Perry, 42 Auburn Street, 8 P.M., April 27, good; May 8 sent to Tewksbury, two weeks old." This is the superintendent's handwriting? A. Yes, sir.

Q. Might not you or the other matron have made the examination and he put it down? A. Yes, sir.

Q. He didn't make the examination? A. No, sir.

Q. And therefore this was made from your examination although he put it down. A. Yes, sir.

Gov. BUTLER. How long did that child live?

Mr. RECORDS. Twenty-eight days.

Gov. BUTLER. Which is more than the average life in Tewksbury. Now, let us go to the next one — page 261.

Mr. RECORDS. Page 274 was the next good one.

Gov. BUTLER. Well, let us take 274.

Q. Is that your handwriting? A. No, sir; that is the same as the other.

Q. Then there is not much of your handwriting in this book, is there? However, I don't suppose it is of any consequence. Here we have "Richard Brompton, male, white, hazel eyes, dark brown hair, on steps 157 Meridian Street, East Boston, August 25 —"

Mr. BROWN. What year?

Gov. BUTLER. 1877, sir. "Came in August 24, 11.15 A. M., Officer Davis; physical condition good; September 4, 1877, State almshouse, Tewksbury." That was sent in about ten days; what became of that one?

Mr. RECORDS. Died September 8, —41 days.

Gov. BUTLER. Try again. Try one more.

Mr. RECORDS. No. 289.

Gov. BUTLER. "Jessie Churchill, female, white, blue eyes, brown hair, from City Temporary Home; birthplace, born at City Temporary Home on Harrison Avenue, November 26, 1877; December 14, age 18 days; Susan Churchill was her parent; brought to the Home 14th December, good condition, and on the 18th was sent to the State almshouse.

Mr. RECORDS. Died 7th January, 1878,—20 days. That was the average life of all those that went from this Home to Tewksbury.

Mr. BROWN. Now, there is only one more "good."

Gov. BUTLER. Well, I will look at that one, certainly.

Mr. RECORDS. No. 292.

Gov. BUTLER. Now, here is a case: "Josiah Hilward,

male, white, blue eyes, brown hair, steps of 20 Ash Street, Jan. 21, 1878, 9 p. m., about two days old, by Thomas Lyford; 11 p. m., Jan. 21, '78, Officer A. J. Bennett; physical condition good; Feb. 2, city hospital, sick, scarlet fever, to be returned on recovery; recovered from scarlet fever" — could stand that — "and on the 13th of February returned from city hospital, and on the 26th sent to Tewksbury almshouse."

Mr. RECORDS. Died March 5.

Q. Now, madam, we have got this condition of things, that out of 84 infants you received, you got adopted or sent to St. Mary's Home or to Dr. Dixwell, 10; that brought it down to 72; one died at the home, and the other 71 were sent to Tewksbury. Now, what picking and choosing was there, except those for adoption? Every one went to Tewksbury that did not die or was not adopted. Now, you say you were instructed by somebody to send them. Will you swear to this committee that any overseer of the poor, or any committee of the overseers of the poor ever instructed you to send a dying child to Tewksbury? Because I would like to find that inhuman man? A. I sent the State cases as fast as I knew. A child that I could not get adopted, my instructions were to send to the State almshouse.

Q. Now, you say your instructions were to send all State cases that you could not get adopted, to the Tewksbury almshouse. You evidently followed those instructions. That is just what you did by the records. Where nobody would take them off of the hands of the State, they were to be sent, good or bad, I suppose? A. Well if they were State cases; yes sir.

Q. And it so turned out that all these during that time were State cases; and they were always State cases, where you didn't know the settlement of the mother or the father? A. Yes, sir.

Q. And that was very frequently the case with dropped foundlings? A. Yes, sir.

Q. Now, madam, did you ever send them there with bottles filled with sour milk? A. No, sir.

Q. Were they well treated while in your hands? A. Yes, sir.

Q. And did you ever, knowing that a child was just dying, send it away from your hospital? A. We have sent them when we knew they could not live; we could not tell how long they would live. When we thought they could not live we sent them to Tewksbury.

Q. But you did not send any when you knew they were in a dying state, did you? A. No, sir.

Q. That is, they were feeble, and you thought they could not live, and you were bound to send them anyway under your instructions. Now, did you send them under a proper attendant? A. Yes, sir.

Q. A female attendant? And did you have the humanity to time your sending, so they might be on the road as little as possible? A. We had nothing to do with that. They were sent to the directors for public institutions, and they went in the afternoon at the regular time of going.

Q. That answers my question. They took them at the regular time as far as you had anything to do with them. Did you always send them with proper clothing or wraps -- because they could be brought back -- for their health and comfort? A. Yes, and we had them brought back a great many times.

Q. What? A. And we had them brought back a great many times.

Q. I have no doubt. That is, you always took care that they should never suffer with the cold? A. Yes, sir.

Q. And if you furnished clothing, you instructed the attendant to bring it back? A. Yes, sir.

Q. You are now matron where, madam? A. At the Girls' Friendly Society.

Q. Any children there? A. No, sir.

Q. So that since that time you know nothing about children? A. No, sir.

Q. And did you know anything about them before you went into the institution? Have you had any of your own? A. Yes, sir.

Q. Well, you think yourself, don't you, with all your experience, a pretty good judge of a sick child? A. I think so.

Q. Out of these seventy-one there were five that were in good health, thirty-five fair, twenty-three feeble, one diseased, and one sick, and one we haven't any record of. And these records are the truth, so far as you know it, or understood it? A. Yes sir.

Re-direct examination by Mr. Brown.

Q. One question I forgot to ask you, Mrs. Spear, and that is this: As the matron of the Chardon Street Home during those ten years, did you have occasion to send grown persons to Tewksbury? A. Yes, sir; very often.

Q. How frequently? A. Pretty much all the time; every day or two.

Q. Male or female, or both? A. Female.

Q. And on what account; that is to say, what was the cause of their being sent? A. Well, they were sometimes sick, sometimes they had no settlement, sometimes they were so shiftless and lazy they would not work, and there was nothing else to do with them.

Q. And sometimes women who were to be mothers? A. Yes, sir; very often.

Q. Now, did you ever see any of these people after they came back from Tewksbury? A. Oh, yes, sir.

Q. During those ten years? A. They often came back.

Q. I won't ask you any conversation, but did you hear from any people who came back any complaint in regard to their treatment? I don't ask what it is, but whether you ever heard it.

Gov. BUTLER. I object. Pardon me, you cannot limit it there, because you put it in the judgment of the witness to say what the complaint was. Now, I should be very glad to summon a very large majority of the people to get what was said.

The CHAIRMAN. You don't press it, do you, Mr. Brown?

Mr. BROWN. Yes, sir; because within thirty minutes he has asked my witness, Smith, in regard to complaints.

Gov. BUTLER. This is entirely a different matter. I asked your witness, Smith, about complaints, for the purpose of showing that he would not remember anything that he thought made against Tewksbury. Whether complaints were made I would not give a copper to know from him; but I asked him in order to show that he was shut like a clam against everything that he heard against Tewksbury; that is what I asked him for; and he did close like a clam-shell.

Mr. BROWN. And I can, also, after thinking a moment, recall a number of instances where His Excellency has asked that question. I think, if you will look at the direct examination of the witnesses, you will find that nearly every one of them was asked

that question. I recollect Mr. Barker, whose presence I have seen here this morning, was questioned in regard to complaints; and I think the committee ruled upon that once, as to how far the matter should be investigated, whether there were complaints. Now, if it is fair, in the progress of the hearing, during the introduction of testimony by His Excellency, it is certainly fair here; for here is a woman who has had the opportunity of knowing what was the reputation of the place. And all that is of some account. Because, if this woman, during ten years, had one hundred, two hundred, or three hundred persons, whom she sent to Tewksbury for one reason or another; and if, afterwards, in the course of their lives, they came back into this Chardon Street Home, and she had an opportunity to converse with them, and did converse with them, and never heard any complaint, it is something which the committee ought to know. And that is just the evidence by which all these cases, and all these public institutions, are to be tried; upon the complaints of the inmates. As, for instance, I think we have had scarcely a witness produced by His Excellency who has not testified to some complaint which he or she has heard. I recollect Mrs. Thomas, I think it was, who testified in regard to a complaint that came to her ears in regard to the treatment of an insane person there. She didn't say that she saw it herself. Then there was another lady who had some experience; and that angel, Eva Bowen, was asked in regard to complaints, and she told the committee in regard to these foundlings in the hospital. It seems to me that the subject has been so fully gone into, that this cannot be an improper question.

Gov. BUTLER. If the committee cannot see the difference in these cases, I am very much mistaken, although a majority of them are not members of the bar. I have asked about complaints in the institution, made to attendants at the time, for an entirely and a very different purpose; and that was for showing that these complaints being made and known to the officers of the institution, they were not remedied either by the discharge of the person doing the wrong; or, if it was a complaint about a matter which could be remedied, — like bathing, food, or anything of that sort, — that it was not remedied; that notice was not taken at the time. I have not gone into the country and shown complaints, because I thought it was not proper, that it would not be fair to the institution. I took them where they could be investigated, and where they ought to have been investigated

at the time,—complaints to attendants, complaints made in the face of attendants. Did you complain to Dr. Putney? Yes. Did you tell him about it? Yes. Did you tell any other attendant? Yes. Did you hear the beaten person complaining? I did. That is legitimate evidence in a case against a railroad corporation, where a person who has been hurt complains at the time of the sickness; but it never was heard of that you should go out into the country, months afterwards, or years afterwards, and ask somebody whether some unknown person did or did not complain. In the first place, I have got to inquire into a great many things when that is opened. First, I have got to find out who these were that did or did not complain. For an illustration: French Joe would come out once every year or two, till he became a fixture there, and he would not make any complaint. Then I would have to go in and find out that French Joe is a gentleman who travels to Europe at the State's expense, as an inmate, pauper, and that would account for it. And, then, I must inquire into the character of the witness, to know what was her character who undertakes to talk about these complaints. Now, I had rather not be forced into it. If you think this investigation won't be long enough, however, without it, it can go in.

THE CHAIRMAN. Here is a witness who has been officially connected with an institution in Boston, which has sent parties to Tewksbury, and, we may say, is officially connected in that way, and has received parties back, and dealt with them after they came back. Now, the question is, whether those parties who were sent by her to Tewksbury, and came back to her, complained of their treatment while there.

Gov. BUTLER. That is the question.

THE CHAIRMAN. That is the question.

Gov. BUTLER. Whether we shall enter into that inquiry, and if so, what the complaints were.

THE CHAIRMAN. I should have more doubt about it if we hadn't let in so much what we might call hearsay. The committee will pass upon it, whether she shall answer it.

Mr. CHAMBERLAIN. I was opposed at the commencement of this hearing to the admission of this hearsay testimony on the other side, and, for one reason, that it might lead to a very long hearing. But, it having been admitted on the other side, I shall certainly vote to admit this on this side. .

[The committee voted to admit the question.]

The CHAIRMAN. You may answer the question.

Gov. BUTLER. We must have what the complaints were; I am not going to have a general complaint.

Mr. BROWN. I suppose I can first ask whether there were any complaints, because if there weren't any, you can hardly find out what they were. Read the question.

The REPORTER. "I won't ask you any conversation, but did you hear from any of the people who came back any complaint in regard to their treatment? I don't ask what it is, but whether you ever heard it."

Mr. BROWN. Now, answer, Mrs. Spear.

The WITNESS. Yes, sir; sometimes I did.

Q. Now, state what complaints you heard?

Gov. BUTLER. I supposed you were trying to get the negative; now, do you want to get into it?

The CHAIRMAN. I suppose if he does not want to, you can have a chance.

Q. Now, tell us what you heard. A. Well, I never pay very much attention to what they say, coming from those places, because those who are well disposed always are well treated; those who are evil disposed are not.

Gov. BUTLER. Wait one moment; that is not an answer to the question.

Q. You did hear complaints? A. Yes.

Q. How frequently? A. You could hear them as frequently as you had time to listen to them.

Q. Now, what were the complaints, if you recollect any specific instances as to what they were? A. I don't know; some were treated well and some were treated ill.

Q. Some complained that they were treated well? A. Some said that they were treated well; others complained that they were treated ill.

Q. Those who said they were treated ill, what did they say was done to them? A. That they were not allowed to do as they were a mind to.

Q. Did they ever complain of lack of food? A. No, sir.

Q. Did they ever complain of being beaten? A. No, sir.

Q. Did they ever complain of having to work too hard? A. Sometimes.

Q. Sometimes? A. Yes, sir.

Q. Now, any other complaint that you recollect? A. No, sir.

Q. Did you hear any complain that they were restrained of their liberty there in any way? A. No, sir.

Q. Now, I notice,—I will call your attention to the matter of these children,—I notice that the shortest time in which any one of these children that were sent to Tewksbury, I think that the shortest time of any of those that are marked “good” is eight days. I suppose in your experience with children, a child would change very materially in eight days, in its physical condition? A. Yes, sir; sometimes when they looked very well, and you thought they were very promising, in three or four days they would change very fast.

Gov. BUTLER. This is going over again my cross-examination.

Mr. BROWN. I simply want to call her attention to that, not going over it again, but just referring to the cross-examination. I don't think of anything else.

Q. (By Gov. BUTLER). Now, I should like to know one or two things. These were all women that you had to deal with, wa'n't they? You didn't send any men? A. No, sir.

Q. Nor men didn't come back. Ever send any insane women? A. I don't know.

Q. Do you recollect a little girl by the name of Eva Bowen? A. No, sir.

Q. Do you know whether she was at your home or not? A. I do not; I don't know the name, don't remember the name.

Q. What? A. I don't remember the name.

Q. She has testified that she was at the Chardon Street Home. A. Well, there are a great many, but I don't remember the names; I very rarely remember the names; they come and go and, of course, the name is nothing to me.

Q. Now, you said a great many would come to the Chardon Street Home because they were in a condition, or soon to be, not able to work because they were about to become mothers; that was so, wasn't it? A. Yes, sir.

Q. What proportion, should you say, there were of those? A. There were a good many.

Q. And were some of them dissolute women, women of the town? A. Yes.

Q. Frequently come? A. Yes, sir.

Q. And to be sent there because they were about to become mothers, to be confined, expecting to come back again; did

they bring, such class of people, bring trunks with them? A. No, sir.

Q. What? A. No, sir.

Q. Did not? A. No, sir.

Q. They came simply to be transferred, I suppose. A. Yes, sir.

Q. That is all; they didn't expect to stay with you? A. No, sir.

Q. Well, some of that class of people would go well dressed, wouldn't they? A. I never saw one.

Q. Never saw a girl of the town well dressed? A. Not to go there.

Q. Not to be confined? A. No, sir.

Q. They always left their good clothes at home? A. Yes, sir.

Q. In their trunk somewhere. Well, now, none of them ever did come with a trunk to you? A. Well, we didn't take trunks.

Q. You didn't take them? A. No, sir.

Q. All right; that was a good reason why they didn't bring them. Now, did any of them, running back to '72, did any of them complain of the washing accommodations there? A. No, sir.

Q. What? A. No, sir.

Q. Never? A. No, sir; I never had any complaint for that, any way.

Q. Way back to '72 did you know what they were there? A. Why, I have heard them say; I never paid much attention to it.

Q. Well, what did they say they were? A. I couldn't repeat it.

Q. Why not? A. I never paid much attention to it.

Q. You didn't pay much attention to it; you were not a willing listener, then? A. No, sir.

Q. You were not; but, without repeating it, can't you tell me what it was? A. No, sir.

Q. Can you tell me whether they ever spoke anything about being bathed, how they came to be talking about bathing accommodations? A. I don't know that they ever did, especially.

Q. Well, not especially; did they generally? A. No, sir.

Q. Well, did they at all? A. I don't think that I ever heard it from them.

Q. Didn't hear it? A. I think I have heard it from other people, who had heard it from other ways, and came to ask me if I knew anything about it.

Q. Did they generally come right back to you from Tewksbury? A. No, sir.

Q. What? A. Not always.

Q. Did any considerable portion of them? A. Some of them did.

Q. I am asking whether any considerable portion did; they were taken to Tewksbury to be taken care of? A. Yes.

Q. Yours is only a temporary place? A. Yes, sir.

Q. And, having passed them through to Tewksbury, they ought not to be discharged if they were fit persons for you again. Now, I want to know whether they were not discharged and out a while? A. They oftener came into the city and stayed awhile, and then came to me.

Q. Stayed 'a while somewhere and then came to you? A. There would be a few cases sent to me.

Q. And when they came to you they knew they were going back to Tewksbury; they were likely to go. — no other place for them to go to? A. It depended on who they were and what they could do.

Q. It would depend on whether they were State paupers? A. There are times when even those can get employment.

Q. If they could not, they would have to go back to Tewksbury? A. Yes.

Q. And that is when you would see them on their return? A. Yes, sir.

Q. Well, being about to go back to Tewksbury, they would not be likely to inaugurate their return to the place by complaints to you, would they? Hardly likely to do that, — going back to a place and tell you complaints that you might transmit up there? A. They didn't care for that.

Q. What? A. They wouldn't care for that.

Q. Why not? A. I don't think it would make any difference to them.

Q. What, if they were going up there? A. Yes, sir.

Q. They would be just as well treated? A. Yes, sir.

Q. They are so good Christian people at Tewksbury. A. Yes, sir.

Q. That whatever people said against them they always treated them just alike? A. Yes.

Mr. BROWN. Now you have got a fact.

Q. How do you know that? A. You asked my opinion and I gave it.

Q. Now, I want to ask you what the grounds of your opinion were: were you ever up there? A. Visiting; yes, sir.

Q. What? A. Yes, sir.

Q. How many times? A. A few times.

Q. In how many years? A. I could not tell you; but I have been up there several times.

Q. Know all the attendants? A. No, sir; I do not.

Q. Know anybody but Captain Marsh and his wife? A. There is one attendant there that is a relative of my assistant, that I knew a little; that is all; no one that I knew particularly.

Q. That is, all you knew was Captain Marsh and this relative of your assistant? Any relative of yours? A. No, sir.

Q. And which assistant was that? A. Miss Crockett.

Q. Miss Crockett; I thought that name was familiar to me. What relative was up there of Miss Crockett's; mother, father, sister, brother, uncle, cousin, child? A. I think it is a cousin; I am not sure.

Q. What? A. I think it is a cousin, but I am not sure.

Q. What is her name? A. That I can't tell you.

Q. Can't tell what is her first name? A. No, sir.

Q. Been there a good while? A. Been there some little time; I had nothing to do with her one way or the other.

Q. But I thought you must have, because you relied on her Christian character for this good opinion you gave. And you thought, — you knew you would just as kindly receive and feel just as kindly toward somebody that complained of your treatment of them as you would those who spoke well of you? A. No, sir; I should not.

Q. You should not? A. No, sir.

Q. Well, if you wouldn't do that, what made you think they would do differently up at Tewksbury? They have a little human nature in them as well as you and I have. A. I think they have a good deal.

Q. A good deal; as much as we have? A. Yes, sir.

Q. And resent imputations as other people do. Well; then, why did you testify here on your oath to the committee that you thought it would not have made any difference with these

people how much they complained, if they had known it up there? A. Because, if they belonged there they would have to go there.

Q. They would have to go there. A. Yes.

Q. Undoubtedly; but they might be treated very differently. A. No, sir; I don't think they would.

Q. Why not? A. Because I don't think they would treat them ill.

Q. What? A. I don't think they would treat them ill for that.

Q. They would do differently, then, you think, than what you would? A. In that respect, perhaps, they would.

Q. In that respect perhaps they would? A. Yes.

Q. What do you know about them that makes you believe that they would do better than you would in that respect? [Witness paused.] I won't trouble you any further, madam.

MR. BROWN. I should like to have you answer that question for my benefit, if he don't want to trouble you.

GOV. BUTLER. Well, the question is, as Mr. Brown wants me to press it, in what respect. what do you know of them that makes you think they would treat a person who had spoken illy of them different from what you would? What particular good trait do you know of? A. I think that they are very good people up there.

Q. I know. A. I think when they were brought back and they belonged there, I think they would treat them just as well.

Q. Just as well. A. Yes, sir.

Q. Now, don't you see, you don't mean that? You think they would treat them differently than you would, and because they were very good people up there, — you don't mean to leave us to infer you are not a good person, do you? That is where you leave us. You don't mean that, do you? [Witness paused.]

GOV. BUTLER. Want me to press that question, Brown?

MR. BROWN. If you want to.

GOV. BUTLER. I don't. That is all, madam.

MR. BROWN. That is all.

TESTIMONY OF ENOCH QUIMBY MARSTON (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. Enoch Quimby Marston.

Q. Where do you live? A. In Lawrence.

Q. How long have you lived in Lawrence? A. About two years; a year and a half.

Q. What is your business? A. Physician.

Q. Where did you graduate; where were you educated? A. Harvard Medical School.

Q. When did you graduate? A. 1876.

Q. Where did you go after graduation for the purposes of practising? A. I went to Tewksbury in August, 1876.

Q. August, '76? A. August first.

Q. How long were you at Tewksbury? A. Till October 18, 1877.

Q. From August, 1876, to October 18, 1877; while you were at Tewksbury, did you have charge of a case of one Charlotte Anderson? A. Yes, sir.

Q. Will you look at that record and tell me if that record is in your handwriting? A. Yes, sir; it is.

Q. When was it made? A. It must have been made very soon after June third, perhaps on June third; I am not certain, however.

Q. Was it made in the regular course of your business? A. Yes, sir.

Q. And it was made under some part of your duty? A. Yes, sir.

Q. And intended for what purpose? A. Intended as a record of the case; that is all.

Q. Record of the case. Now, will you give us the record of the case as made by you?

Gov. BUTLER. Wait a moment. Let me see it first and perhaps I will have no objection to it. [Book handed to the governor.] I don't see as I shall have the pleasure of objecting to this record.

Q. Now, Doctor, refreshing your recollection from that record —

Gov. BUTLER. Read it right along; it was not made at the time; it was made at the time of the death.

Mr. BROWN. Now, just read the record, Doctor.

The WITNESS. [Reading.]

"Charlotte Anderson, aged 30, insane. Was delivered of a child in August, 1876; after a very dangerous and long puerperal sickness was discharged well, Oct. 16 (same year); was then in good health. Went with child to No. 20, where she remained as assistant until Feb., 1877, when, becoming violent, she was removed to the asylum, her child being carried to her to nurse for a short time and then weaned (Mar.).

"On May 13, '77, she was admitted to the hospital, in a state of high fever; face flushed, complains of no pain, is very thirsty, no cough, slept well.

"May 14. Temp., A. M., 102; P. M., 101.6.

"May 16. 102.1 103, this being the highest temp. attained; it averaging, morning, 101.2, evening, 102, till June 30, when she died.

"May 21. Cough for the first time; removed to little room, as she is noisy in the ward, through active delirium. Sponge baths every day. Quin 2, ev. 3 hours.

"Ex. of chest showed rales fair, O. coarse all over; R. front, C.; dullness in R. side, heart normal, pulse rather weak. Strength failing; whiskey, 10, every hour. It is usually refused.

"May 31st. Exceedingly weak; eyes sunken. Takes milk well.

"June 3. After great suffering for breath for 36 hours, died. Autopsy: spleen large, liver normal, kidneys congested, heart flabby, lungs filled with tuberculous masses, a very small portion of left lung only crepitant, many cavities."

Q. What do you mean by the word "crepitant"? A. In a state so that air cannot,—so that it will contain air so it can be used for breathing purposes.

Q. That is, passage to the air cells? A. Yes, sir.

Q. So that that record covers the life of that woman from August, 1876, which was about the time you went there? A. Yes, sir.

Q. Till the third of June, 1877, when she died? A. No, 1876,—oh, yes; '77.

Q. '77, when she died? A. Yes, sir.

Q. That is nearly a year? A. Yes, sir.

Q. Ten months. Now, Doctor, while you were there at the almshouse, did you have anything to do with the foundling hospital? A. Yes, sir.

Q. What part of the time did you attend to the foundling hospital? A. Dr. Putney and myself alternated every three months, after we began. I don't remember just when that alter-

nating was begun ; but after it was begun, we did so every three months till I left.

Gov. BUTLER. He came what time?

Mr. BROWN. He came the first of August, 1876.

Gov. BUTLER. And Dr. Putney came the 22nd of July, 1876, and you began your alternating.

Q. So that you were there somewhere in the neighborhood of seven months, in all,—that is, if you spent half your time?

A. I don't remember, exactly.

Gov. BUTLER. He was there about a year, altogether.

The WITNESS. A little more than a year.

Mr. BROWN. He was there from the first of August till the eighteenth of October, fourteen months and odd.

Q. Now, during these fourteen months and odd,—while you were the physician in charge of the foundling hospital, state to what extent, if any, morphia was used with children. A. It was sometimes used on physician's prescription, in cases where it was considered necessary.

Q. Well, to what extent, if you recollect, was it used? A. I don't remember ; I could not tell.

Q. Whether you recollect it was used to a very large extent? A. No, sir : it was not used, to my knowledge, without my special direction, whilst I had charge of the foundlings.

Q. Now, in what cases did you direct the use of morphia?

A. In some cases of a great deal of pain, and special cases of diarrhoea with pain.

Q. And what would be the largest dose for a child? A. The thirtieth to the twentieth of a grain, perhaps.

Q. Well, there is a difference in morphia, I suppose, isn't there ; a difference in the strength?

Gov. BUTLER. Not unless it is adulterated.

A. No, sir ; not much.

Q. Did you visit the foundling hospital frequently? A. Yes, sir.

Q. How frequently? A. Every day, at least ; and usually two times a day, and often oftener than that.

Q. Now, were you present at the hospital at any time during that period when the children were received? A. Yes, sir.

Q. State fully what was their condition? A. I think their condition, usually, was poor ; that is, they were not well. I remember one case, especially, of a child that was brought in, —

I didn't see it though when it was brought in, I saw it a few hours afterwards,—and they said that when it came it appeared to be entirely lifeless from cold, but it did revive, and died a couple of days after, more or less.

Q. Do you know where that child came from? A. No, sir; I think it came from Boston.

Q. Now, Doctor, I want you to state fully to the committee what was the condition of that foundling hospital, and the condition of those children while you were there: that is, paying special attention to the supplies given them to make them comfortable. A. They were given everything they needed except enough attendants.

Q. What was the attendance? A. There was one paid nurse, and the others, the other help, were inmates of the almshouse.

Q. Do you recollect the name of the paid nurse? A. No, sir.

Q. What is the largest number of children that you recollect to have been there during that time?

Gov. BUTLER. Now, do you mean foundlings?

Mr. BROWN. Foundlings; yes, foundling children; excuse me.

A. I think I have known as many as eight, but I am not sure; from six to eight is the largest number at once.

Q. Do you mean that were brought there within a limited period, or that were in the institution? A. That were in the foundling hospital, what was called No. 20.

Q. Now, in your judgment, looking back, Doctor, recalling your experience at that foundling hospital, in your judgment, what additional attendants did that institution require?

Gov. BUTLER. That room?

Mr. BROWN. That room.

A. I should think it ought to have had two more paid attendants.

Q. Two more paid attendants? A. At least; but I don't think the room was large enough for so many foundlings.

Q. Well, do you recollect about how large it was? A. I should think,—well, I don't know,—twenty feet square, more or less; I don't know exactly.

Q. Won't you designate what the foundling hospital was? [Placing plan before the witness.]

Gov. BUTLER. Oh, point it right out to him, so he need not be looking.

A. I think that that was it [pointing to plan]; I think that the hospital building was there. It seems to me it was smaller than that.

Q. It was a part of that building, was it, or the whole of it?

Gov. BUTLER. The whole of this end of it.

A. As I remember it would be considerably smaller than this, though, perhaps, that would indicate it; I don't know.

Mr. BROWN. Twenty feet to the inch.

Gov. BUTLER. [Measuring.] The building is a good inch and a half.

Mr. BROWN. About thirty feet.

Q. (By Gov. BUTLER). Across this way, Doctor. [Referring to the plan.] And how did it extend down this way? That is the door, Doctor. A. The building, when I was there, I should judge would extend to there, and then was divided into two rooms.

Gov. BUTLER. Then, by taking the whole of it we shall get the half. [Measuring.] Three inches and a quarter.

Mr. BROWN. About sixty by thirty-five, — sixty odd, sixty-five by thirty-five.

Q. (By Mr. BROWN.) Now, as to the character of those attendants, whether they should have been trained nurses? A. I think so; or, at least, nurses who had had experience with children.

Q. Who had had experience with children. Well, now, did these inmates that were set for that purpose, — had they experience with children, do you know? A. I think, usually, they had; had had children of their own.

Q. Now, with regard to the food for that foundling hospital; was it wholesome? A. Yes, sir.

Q. What was it? A. Fresh milk.

Q. Skim milk? A. No, sir; never saw any skim milk, there. It was very good milk.

Q. Milk from the place? A. Milk from the place; yes, sir.

Q. Well, what other kinds of food? A. Well, to a certain extent we had infant's foods; to a very small extent, because we didn't find they worked well and didn't continue to use them.

Q. Such as what infant's foods? A. Ridge's food.

Q. (By Gov. BUTLER.) Give us the preparation. A. Ridge's food.

Q. (By Mr. BROWN.) What else, if any? A. I don't remember any other.

Q. Now, as to broths, or anything of that kind; did you have that there? A. Yes, sir; sometimes had it made to order; flour gruel, sometimes; and boiled milk was used in some cases.

Q. Now, Doctor, what was the condition of these children as a general thing, these foundlings? A. Very poor.

Gov. BUTLER. You asked him that question before.

Q. Yes, sir; but I want you to take, specially, those you recollect that died; what did they die from; what disease? A. As I remember, they died from diarrhœa, dysentery, consumption, syphilis and inanition.

Q. Now, to what extent do you recollect they died from the effect of syphilis? A. As I remember, not to a very large extent; quite a number of them.

Q. Now, inanition? A. I could not tell the exact figures.

Q. Could not give the exact figures? A. No, sir.

Q. Do you recollect whether or not it was a small number or a considerable large number? A. No, sir; I could not.

Q. Did you ever know a child to die in that foundling hospital from starvation? A. No, sir; not from — no, sir.

Q. Was there at all times a sufficient amount of nourishing food, fit for a baby? A. Yes, sir.

Q. Now, did you tend the other parts of the institution, the hospital departments? A. Yes, sir.

Q. Such as what? A. The hospital for women and the male hospital, one portion of it; in fact all parts of the hospital department, every part, I have seen more or less.

Q. Were you at the department for the insane? A. I was a few times, for a few days only.

Q. Now, for instance, take the department for the insane men and women, what was their condition? A. Usually chronic harmless insane.

Q. Well, was the building neat? A. Yes, sir.

Q. Go on and state about it. A. As neat as it could be under the circumstances; there were many filthy patients there, and they had to be looked out for very carefully.

Q. Were these filthy patients kept by themselves? A. No, sir; not altogether.

Q. Not altogether. Well, were they, — to what extent would they be kept by themselves? A. If they were violent and destructive they would be kept by themselves, — as well as filthy.

Q. (By Gov. BUTLER.) I understand that they had, — at that time was Dr. Whitaker there? A. No, sir.

Q. That there was a doctor detailed for the insane department? A. Dr. Lathrop usually took charge of that.

Gov. BUTLER. Then it was Dr. Lathrop at that time.

Q. (By Mr. BROWN.) Now, what was the arrangement for bathing in the insane department when you were there? A. They had, — I know very little about it; I have seen —

Q. Did you ever see what it was? A. I have seen the bath-tubs and the pool.

Q. What bath-tubs did you see? A. I don't remember; I could not —

Q. Do you recollect ever to have seen an individual bath-tub?

Gov. BUTLER. In the insane department, you mean?

Mr. BROWN. That is, in the insane department, during the fourteen months you were there? A. Yes, sir.

Q. You recollect? A. Yes, sir.

Q. Now, can you recollect how many you saw? A. No, sir.

Q. Cannot? A. No; I probably never saw them more than once or twice.

Q. Now, as to the food and clothing in the insane department for the insane? A. Well, I could not say but very little about that; I know very little of it. I should judge that the clothing was sufficient.

Q. Was the building kept properly warmed in winter? A. Yes, sir; I think it was, always, when I was there.

Q. Now, take the other hospital departments; for instance, the women's hospital and the men's hospital, was that kept properly warmed in winter? A. Yes, sir.

Q. How as to the beds and bedding? A. They were kept clean, as far as I know.

Q. Did you ever know of an instance where a bed was filthy and rotten? A. No, sir.

Q. And what was the filling of the ticks? A. Straw.

Q. What kind of straw? A. I don't know.

Q. Don't recollect? A. No.

Q. Now, as to the sheets and pillow-cases, — were they kept cleanly? A. Yes, sir.

Q. Now, as to the food for the hospital department? A. It was sufficient in quantity; it was not always, — we could not always get for the very sick, — things that we thought perhaps they would need, we could not get.

Q. Now, what things did you know the very sick needed that you didn't get? A. Well, I have seen times when I thought that chicken-broth, or something of that sort, would do them good.

Q. Anything else that you recollect that you thought they ought to have had? A. No, sir; I don't remember anything specially.

Q. Was there any fruit there? A. Yes, sir.

Q. Fruit in winter? A. No, sir.

Q. Did you ever have any preserved fruit there? A. No, sir.

Q. Jellies, or anything of that kind? A. No; nothing of that sort that I remember.

Q. Did you ever know of any religious services over the bodies of the inmates who died? A. I don't remember; I would not swear that I ever did.

Q. Did you ever attend the chapel there? A. Yes, sir.

Q. Services? A. Yes, sir.

Q. What clergymen were there? A. They usually had different clergymen for the different Sundays; once a month a priest would come down from Lowell.

Q. What priest? A. I don't remember the name.

Q. Should you know if you heard it? A. Perhaps so.

Q. Was it Father Gigeaux? A. I don't remember the name.

Q. Do you recollect more than one? A. Yes; I know two.

Q. Where was the other one from? A. They were both from Lowell.

Q. Did you ever inspect the cooking department and the food as it was prepared? A. Yes, sir.

Gov. BUTLER. Prepared for whom and what?

Q. As prepared for the inmates of the institution, either hospital or otherwise? A. Yes, sir; the inmates in the institution; the whole institution.

Q. Now, state in regard to that, Doctor. A. Well, I think there was always a sufficiency of good food provided.

Q. Well, take the bread; tell us what you observed with regard to the quality of the bread. A. The bread was usually very good indeed.

Q. Well, when it was not very good what was it? A. I have seen it when it smelt sour.

Q. How many times do you recollect of seeing that occur? A. I don't know how many times; very rarely; perhaps once or twice.

Q. Who was the baker when you were there? A. I don't remember his name.

Q. Well, now, Doctor, during the time you were there, did you know Mr. Barker, who was an attendant in the insane hospital? A. Yes, sir.

Q. And his wife? A. Yes, sir.

Q. Did you know Mr. Dudley? A. Yes, sir,

Q. And his wife? A. Yes, sir.

Q. Mr. French? A. Yes, sir.

Q. Emmons French? A. Yes, sir.

Q. And his wife? A. Yes, sir.

Q. And the other Mr. French? A. Yes, sir.

Q. What was his name? A. Lemuel, I think.

Q. Did you sit at Captain Marsh's table? A. Yes, sir.

Q. Now, while you were at that institution, did you ever hear any complaints, upon the part of the attendants or inmates, as to any act of cruelty committed upon them or anybody else? A. No, sir.

Q. Did you ever hear anything of the kind from Mr. Barker or his wife, Mr. Emmons French or his wife, or Mr. Dudley or his wife? A. No, sir.

Q. Never did? A. Never.

Q. Did you know Mrs. Thomas? A. Yes, sir.

Q. Did you ever hear any complaint from her? A. No, sir; that is, in relation to the inmates.

Q. What did you hear her complain about? A. I heard her complain because Dr. Lathrop would not get up in the night to come and see her daughter.

Q. Would not get up in the night and go and see her daughter; what was the matter with her daughter? A. She had had a tooth pulled, and the jaw was bleeding.

Q. Had a tooth pulled.

Gov. BUTLER. Why don't you give us the whole of it, — and the jaw was bleeding?

Mr. BROWN. Yes.

The WITNESS. Yes.

Mr. BROWN. I heard that.

Gov. BUTLER. I see you heard; but why don't you repeat it?

Mr. BROWN. I didn't think it was necessary; I thought you heard it.

Q. Any other instance where you ever heard her make any complaint? A. No, sir; I don't remember any.

Q. Let us see; you were not the gentleman who was court-ing that daughter? A. No, sir.

Gov. BUTLER. That was Dr. Putney.

The WITNESS. No; I think not.

Mr. BROWN. You are mistaken there.

Gov. BUTLER. I only know what the testimony was.

Q. Now, Dr. Marston, take the hospital department, outside of the foundling hospital, — the men's hospital and the women's hospital, — whether or not, in your judgment, while you were there during those fourteen months, there was a sufficient number of attendants in these hospitals? that is, I mean skilled attendants. A. I think it would have been better to have had at least another attendant at night in the female hospital.

Q. The female hospital. Now, take the insane department; whether there was a sufficient number of attendants in the insane department? A. From what little I know, I should think it would have been better to have had more.

Q. Well, there were two male attendants, two or three male attendants in the insane department, were there not? A. Yes, sir.

Q. That is the female department; now, should you say that was an objection? A. I should think it was an objection.

Q. Now, if the number of attendants—female attendants—were increased, do you think that the male attendants could be removed? A. Yes, sir.

Q. With safety? A. Yes, sir.

Q. Well, with the number of attendants which they had when you were there, do you think they could have safely removed the male attendants? A. No, sir.

Gov. BUTLER. There wouldn't have been anybody left then.

Mr. BROWN. Oh, yes; the women attendants would have been left.

Q. There were female attendants in the insane department while you were there, weren't there? A. Yes.

Q. But they were not sufficient, in your judgment. Now, Doctor, if you know of any cause of complaint against this institution that I have not inquired about, I wish you would tell this committee what it is. A. I don't know of any.

The CHAIRMAN. The committee have a little business. I think we will stop here; the cross-examination, I take it, will be at some length?

Gov. BUTLER. Not very long, but some length, sir.

The CHAIRMAN. We have a little business, and we will ask the audience to retire now promptly, as the committee want to hold a meeting. The hearing is adjourned to next Monday at half-past nine o'clock.

Adjourned to Monday, May 28, at 9.30 A. M.

THIRTY-NINTH HEARING.

MONDAY, May 28.

The committee met in the Green Room at 9.30 A.M.. Senator GILMORE of Middlesex in the chair.

Mr. BROWN. I want to say a single word to the committee. I made on Saturday a careful examination of the testimony which has been offered by His Excellency, and I find that out of the seventy-eight witnesses who testified, there are some to which I do not care to reply, — such as the tanners, for instance. There are others to whom I have made reply as far as I care to, and there remain thirty-seven witnesses to whose testimony I desire to call witnesses for the purpose of contradicting; and I have a list of one hundred and fifty-seven witnesses that have not been called. Perhaps quite a number of them may drop out as we proceed, as I may consider that they are unimportant. But I wish to make this suggestion to the committee, that I am prepared to go on all day. I am prepared with witnesses this morning to go on all day, and will be this week, unless I should receive suggestion from the committee that they do not desire to go on so long, in which case I shall not keep so many in attendance.

The CHAIRMAN. If you and the governor can agree upon that, the committee then will consult about it.

Mr. BROWN. I made the suggestion because I know that the legislature are impatient to get away. What action they may take I don't know.

Gov. BUTLER. I should be quite able to go on until 2 o'clock, sir.

The CHAIRMAN. And make one session until 2 o'clock. Would you propose that for each day?

Gov. BUTLER. I can to-day, sir. Does the committee sit to-morrow — I mean Wednesday?

The CHAIRMAN. Oh, no!

Gov. BUTLER. I will arrange so that I can go on until 2 o'clock to-morrow. I have other duties; I have quite a number of bills to examine, and I have to have a little time in the afternoon for that examination, besides what I can do in the evening.

Mr. PUTNEY. I think it is asking rather too much of the committee to sit here until 2 o'clock. As far as my judgment is concerned, I am willing to sit here as long as can reasonably be expected; but I do not desire to sit here until 2 o'clock any day.

The CHAIRMAN. Perhaps we had better stay until 1 o'clock.

Gov. BUTLER. We will go as long as we can.

Mr. PUTNEY. I think the atmosphere in this room at the end of that time is sufficiently bad.

Gov. BUTLER. There is no occasion for keeping one hundred and fifty-seven witnesses in attendance all the time. We cannot finish more than ten or fifteen.

Mr. BROWN. Not more than ten or twelve in any one day.

TESTIMONY OF E. Q. MARSTON (*resumed*).

Cross-examination by Gov. Butler.

Q. Dr. Marston, you said you graduated at the Harvard Medical School. When? A. In 1876.

Q. What time? A. In June.

Q. Had you been there three years? A. I had been studying medicine four years.

Q. I have no doubt of that. I hope you had been studying longer. Had you been at the medical school three years? A. Not three entire years; no, sir.

Q. You are not a graduate of the college? A. No, sir.

Q. And then, in August, was it, that you went into this establishment? A. Yes, sir.

Q. August, 1876. Now, then, we have learned here that there was a great mortality of these infants during substantially the time covered by you, and one year after; that seventy-one were sent there from one institution, and they all died, — where you and Dr. Putney alternated. I want to know if you can tell me how many infants were born, or brought to that institution otherwise, during the fourteen months while you were there? A. No, sir; I cannot.

Q. Is there any record that you know of except the register?

A. No, sir.

Q. And that we have had. The register don't show whether they were born there? A. There is a register of the births of all infants that are born in the institution.

Q. Now, how many were there, in fourteen months, of those that came there otherwise, should you say, if any? A. Of the foundlings, do you mean?

Q. No, no; the foundlings are all gone. I am talking about those that are born there. A. I don't know, sir.

Q. Five? A. I don't know, sir. You could tell by the register of deaths and births.

Q. Well, were those born there kept in the same room with the foundlings? A. No, sir.

Q. A better room? A. They were kept by themselves with their mothers. They usually went away — the mothers and children usually went away within a month or six weeks after the child was born — usually so.

Q. Well, now, then, here were mothers nursing their children in one room, and were the mothers employed all the time with the child — a given mother? A. No, sir. After they were able to work, they did work.

Q. What work did they do? A. As I remember, they went to the sewing-room or to the laundry; I would not swear where they went.

Q. Well, did they go into the foundling hospital as a rule? A. No, sir; not as a rule.

Q. Why not? Why would not those be the very best nurses? Here were a lot of wet nurses with, perhaps, a little more milk than their children needed: at any rate, they would be kindly disposed towards children; why not put them in there instead of sending them into the laundry or sewing-room? A. I don't think they would be willing to go, because the foundling children — there was a suspicion that they might be syphilitic.

Q. That you could tell after awhile? A. We could after awhile; yes, sir.

Q. Well, they would not be bound to nurse them, and they would not catch the syphilis by attending upon them; would they be likely to? A. I should not want to ask them to do it.

Q. Whether you should want to or not, they were not asked. Now, sir, were the syphilitic children kept in the same room with the foundlings? A. There were no children in that room except foundlings.

Q. I agree that there were not, but I ask if the syphilitic

children were kept there if there were any? A. Well, they were kept there at least until we found out. We could not always tell when they came.

Q. And were they not kept there afterwards? A. It is possible, for a short time.

Q. Don't you know that it is not only possible, but the fact?

A. I don't know, sir.

Q. Wasn't there—now I will take one child—was there not a child in the corner—I don't remember the name now, but I can tell by looking at my paper,—was there not in one corner of the room, a child kept there, kept there for a long time, a considerable time, one which was so bad and unsightly an object that it had to be covered with a cloth? A. I don't remember.

Q. Wouldn't you remember such a thing as that? A. I should think so.

Q. Well, we will try to show who that was. Now, how many was the largest number of foundlings you had at a time under your charge? A. I don't think there was ever more than eight; I am not certain that there was as many as that.

Q. Well, you alternated with Dr. Putney. Were there as many as eighteen there? A. At one time?

Q. Yes, sir. A. No, sir; I think not; I am quite positive there were not.

Q. Then there were eight. There was over seventy-one came there, the principal source being Chardon Street Home, and that covered two years and seven months; and as they only lived an average of five weeks, it would be difficult to accumulate them. Well, now, Doctor, here was a room thirty by thirty-five feet, and with windows on three sides? A. Yes, sir.

Q. And two ventilators. There were eight foundlings in it. How many square feet of space do you think a foundling ought to take? A. I don't know. I don't think two foundlings ought to be kept in the same room.

Q. Two foundlings ought not to be kept in the same room. What is the distinctive difference, in your experience, between a foundling and another child? A. The foundling is less apt to be healthy, strong and well.

Q. Well, that is all? A. That is all.

Q. Very well. Now, then, your idea of an infant hospital, would be to have a room for each infant? A. Yes, sir; as nearly to that as possible.

Q. Well, if they were kept in the same room — supposing there were eight — I am now speaking of air — supposing we have eight in that room, wouldn't there be plenty of air? A. No, sir; I don't think there would.

Q. Why not? A. Because they use a great deal, and they have to be looked out for very frequently.

Q. I know they have to be looked out for, and all that, but do you think that eight foundlings would use as much air as three men; especially young ones who do not live but five weeks anyhow? A. I think they would need as much as a man, each one of them.

Q. Would they use as much? A. No, I don't know as they would use as much.

Q. Now do you think there would be air enough in that room with windows on three sides for three men? A. Yes, sir; I think there would be enough for three men.

Q. For four men? A. Perhaps so.

Q. A good deal more than we get here. Well, then, the foundlings didn't die for want of air, did they? A. No, sir; I think not.

Q. Very well. The air is all right. Now, they had nice food? A. Yes, sir.

Q. They didn't die for want of food? A. No, sir.

Q. Then they were kept cleanly, very? A. Yes, sir.

Q. Then Tewksbury is a tolerably healthy location, isn't it? A. Yes, sir.

Q. Now, Doctor, if they had good food and good air and good treatment, and they all died, the only other thing must have been good care; the only other thing must have been the fault of the medical men, mustn't it? Everything else was all right? A. Not exactly. The children were not right. There were a good many of them in the room.

Q. Well, there were some of them that were right? Some of them were right. Well, now, have you ever been in any other foundling hospital? A. No, sir.

Q. Never have? Well, now, I learn by the reports that they boarded five, six, seven and eight foundlings in private families, and they didn't all die, and there they didn't have any doctor either. Well now, Doctor, let us go to another matter about these foundlings. Why did you leave, Doctor? A. Because I got a better position elsewhere.

Q. You could do better. Was that the only reason? A. Yes, sir.

Q. Who was elected or appointed to take your place? A. I had the impression that it was Dr. Cummings; Dr. Cummings or Dr. Foster, I am not sure which.

Q. Dr. Cummings or Dr. Foster? A. Yes, sir.

Q. Well, did you return there afterwards at all? A. Yes, sir; I was there once or twice for an hour or so.

Q. Now, Doctor, leaving the children, in the insane wards was there ever an occasion when anybody got beaten in those wards? A. I don't know that there was.

Q. Do you know that there was not? A. I don't know.

Q. Now, in the other wards, was there ever an occasion when people got beaten there? A. I don't know of a case.

Q. Were you there when an insane man got a pickaxe stroke on his head, and it killed him? A. No, sir; I think not; I don't remember.

Q. Out in the yard? A. I don't know, sir.

Q. Now, Doctor, do you know anything about what food it takes to support a man? A. Yes, sir; something.

Q. How much solid meat do you think the average family uses to the person — solid animal meat per day? A. I think it varies very much; I think all the way from a quarter of a pound to three-quarters of a pound.

Q. Well, it varies with different people. I mean, of course, not when a family can't get it, but I mean the ordinary family. It varies according to the different ages and conditions of men, I suppose? A. Yes, sir.

Q. Take the ordinary family and we will say there are ten per cent. of children, ten per cent. of women, and the rest ordinary men, and what do you say would be the average per day for such an average family as that? A. Well, I should not change my estimate: I think from a quarter of a pound to three-quarters of a pound apiece.

Q. Very well; that is of meat? A. Yes, sir.

Q. That is of meat a day. Then how much should you say of bread; how many pounds of bread would an individual eat beside? A. I think a pound, more or less.

Q. How much? A. A pound.

Q. I mean now of wheat bread. And then would you expect them to eat that and have the usual amount of vegetables, rice, pease and beans? A. Well, it would vary much; if there

were more vegetables there would be less bread, to a certain extent.

Q. And if beans and pease, less bread. Now, Doctor, do you know how much a pound of flour gains in cooking into bread? A. I don't know, sir; I don't remember.

Q. Perhaps you will remember, when I call your attention to the fact that in the army we used to think it gained thirty-three per cent. That made a company fund, where we saved the difference between flour and bread. Should you agree to that? A. Well, I suppose it is correct; I don't know.

Q. Well, then, they would want about two-thirds of a pound of flour, this family, made into bread, which would be a pound, about. Well, would you think it an enormous quantity if you found — or I will go back. Do you think the people at Tewksbury get more than the ordinary well-fed families of this country? A. Well, they probably eat more bread.

Q. Eat more bread and less meat? A. And less meat or less vegetables.

Q. But they do not have simply bread? A. They do have vegetables, in their season.

Q. And, also, they have their beans and pease and rice? A. Yes, sir; but they do not have as great a variety as the ordinary family.

Q. That may be, but they have the ordinary things. Now, you would think they would not differ from the ordinary family in their meats. That is, taking the proportion. I am trying to take the proportion. A. I think they would eat more bread, in proportion, than the ordinary family.

Q. Because it would be given to them; and they would not have so much of other things? A. Yes, sir.

Q. Now, then, you would think that two pounds and a third of bread would be an enormous ration for even a pauper at Tewksbury? A. I think it would be a good ration; I think it would be sufficient.

Q. Don't you think it would be enormous? A. I think it would be sufficient, to say the least.

Q. Precisely; because you say a pound would be sufficient. Now, why can't I get an honest answer out of you, on that question? Why can't you tell me the truth, Doctor? A. I will try to do it.

Q. Don't you know that it would be an enormous ration for

a man to eat, day by day, for a whole family? A. Yes, sir; if that is the average, I think it would be very large.

Q. It would be very large. Well, we find by calculation, that they get a pound and seven-eighths of flour every day, including the officers.

Mr. BROWN. You mean your expert so testified.

Gov. BUTLER. It is a mere matter of calculation and figures. That, you see, would make almost two pounds and a half of bread.

Mr. BROWN. We shall be able to show that that was not the case.

Gov. BUTLER. What?

Mr. BROWN. That he is mistaken in his figures.

Gov. BUTLER. Oh, very likely; then we shall have to correct it, when that is shown. It was bought; I don't know what was done with it.

Q. Well, now, at the same time, three-quarters of a pound of meat and fish — sixty-four one-hundredths of a pound, — brown bread and rice and pease and beans—now, from your knowledge, do you believe that amount of flour, beef and bread was consumed by the individuals at Tewksbury? A. I don't know, sir.

Q. Well, from your knowing what went on there, do you believe it? We may be wrong in our figures, but I am now putting these figures to you. Do you believe that that amount of food was consumed by each individual, on the average, reckoning the dying infants in as eaters: do you believe that was consumed, day by day? A. I don't know anything about it.

Q. You were there to see it? A. Well, I could not tell how many pounds were eaten or not.

Q. What? A. I could not tell anything about that.

Q. Couldn't you? A. It was not my business.

Q. Not your business, Doctor! Isn't it the business of a well-educated Harvard physician to know about what the needs of health are, for food? A. Yes, sir.

Q. Very well, then, it was your business, was it not? Then why didn't you attend to it, and know? Well, now, Doctor, do you think that the men in the hospital, and sick in the hospital, eat as much as well men? A. No, sir.

Q. Anywhere near as much, as a rule. They want nicer things, I know; I will agree upon that; but do they eat as much in quantity? A. It is according to the disease from which they are suffering.

Q. Take the average. A. Well, if they have fever they would not eat as much.

Q. Well, take consumption? A. With consumption they probably would not eat as much.

Q. And, if they were infirm and suffering from old age? A. No, if they were —

Q. With what disease would they be likely to eat more? A. Chronic diseases. They might be lame, and might have anything that would keep them in bed, and still have a good appetite.

Q. But being kept in bed the appetite is not quite as ravenous as when you were out of doors? A. Well, as a rule, no sir.

Q. Was it so in Tewksbury? A. I think there were some cases where the people were unable to get up, and where they ate as much, fully as much, as those that went out.

Q. But as a rule? A. As a rule they would not eat as much.

Q. Now, Doctor, have you any account of the people, showing the history of these cases that died? A. There is a partial history.

Q. Where is that : is that the book we had here the other day? [Referring to the record of cases in obstetrics.] Well, now, let us see. Is there any history of these infants? A. No, sir; I think not.

Q. They have gone, “unhonored and unsung.” About what proportion do you find in this book? A. I could not tell you.

Q. Can you tell me anywhere near? A. No, sir.

Q. Well, let us take a month. Let us take a year, if we can find a year. This is the year 1878. I would like to get your year, if I can, sir. Here is 1876, commencing in August. There is one case [turning the leaves]; eight cases. Now we have got to July first. May 12th to July 1st, what year? It is pretty bad getting along up at Tewksbury, July comes before June. Then August 13th would have been a year. There were eight or nine cases in that year, and one of them is, “four weeks ago delivered of a healthy child, both doing well, Mary Campbell.” And that is all the history there is. Now, didn’t you keep a detailed book of reports? A. Yes, sir; I kept a private book.

Q. A private book! a public officer with private books! I don’t understand that. And about public business? A. Well,

you misunderstand me. The book was simply to take such facts as were necessary to the giving out of medicine; the putting up of medicine when I returned to the dispensary. That was all that book was intended for.

Q. Well, undoubtedly that was a very good purpose, and showed what was the matter with the patients? A. It would show what I wanted to prescribe for them.

Q. It would show to you and everybody else what you thought the matter was? A. It might or might not.

Q. It ought to? A. No, sir; not as a rule.

Q. Well, where are those books? A. I suppose they were destroyed long ago.

Q. Did you destroy them? A. I might have.

Q. I know you might, but did you? A. I don't know; I don't remember.

Q. You don't remember whether you destroyed your books? Did you leave them there? A. I think I destroyed them or left them there; I don't know.

Q. We don't find any of yours, but there may be some there still. Do you know what you did, now, with your books? A. No, sir; I don't know.

Q. These would show, now, what you prescribed for those infants? Yes, sir.

Q. And how often you prescribed morphine, if you did? A. Yes, sir.

Q. And how much? A. Yes, sir.

Q. But it would not show how much the nurse gave when you were not there? A. No, sir; not at all. I would have to trust the nurse for that. Of course we have to trust the nurse.

Q. Well, now, sir, wasn't there a bottle of preparation of opium kept in the closet; kept in that hospital, in that foundling room? A. I don't know, sir.

Q. Do you know whether there was or not? A. I don't know; I don't remember.

Q. You don't know whether there was or not? A. No, sir.

Q. Well, nothing is any more deadly, I suppose, except to give them arsenic, than to give a young child an overdose of morphia? A. Yes; an overdose.

Q. Nothing more destructive to life than to give frequent doses of morphia to young children? A. Frequent overdoses.

Q. Well, frequent small doses? A. That would be an overdose if given too frequently.

Q. That would be an overdose by and by. That is, if the child was fretful, and the nurse thought a little more morphine would quiet it, and gave it; and, if the child became fretful again, and she gave it more to quiet it; very soon it would be an overdose? Yes; that would be improper.

Gov. BUTLER. It would kill it. I don't believe I shall have to trouble you any more, Doctor.

Q. (By Mr. BROWN.) I want to ask you what pay you got while you were there? A. Seven hundred dollars, and found.

Q. You have no family? A. No, sir.

Q. Well, now, you were asked by His Excellency in regard to whether you thought a certain quantity of food would be a very large ration. I will ask you this question, Doctor; did you ever know, while you were at the institution at Tewksbury, that any food was taken away and used out of the institution for any purpose? A. No, sir.

Q. No food of any kind? A. Nothing of any kind.

Q. Or clothing? A. No, sir.

Q. Did you ever know that a bottle which contained a preparation of morphia —

Gov. BUTLER. A preparation of opium.

Mr. BROWN. A preparation of opium was used in the foundling hospital. Did you ever know of the existence of such a fact?

The WITNESS. No, sir.

Q. Supposing such a fact had come to your knowledge, what should you have done? A. I should have taken it away.

Q. Why? A. Because I wish to hold that in my own hands, — the giving of morphia, or any medicine.

Mr. BROWN. I believe that is all.

Q. (By Gov. BUTLER.) They would not be likely, if they were taking away food, to let you know anything about it? A. No, sir; I suppose not.

Q. And if they were taking away clothing, they would not let you know it? A. I presume not.

Q. (By Mr. CHAMBERLAIN.) I want to ask the doctor one single question. In making your estimate of food, I didn't quite understand the amount that would be required, for an individual, of meats. You recognize the fact that it would require very much less if it was steaks or roasts than it would if it was

the bony pieces used for boiling or for soups? A. Oh, yes, sir; the estimate was intended to mean good digestible meat.

Q. Covering the entire animal? That is, covering the different pieces of the animal instead of the bony pieces? A. Yes, sir; instead of the bone. The bone would not be nourishing.

MR. BROWN. Then, I think Mr. Fairbanks made no allowance for live cattle. By looking over the bills, I find that a large amount of it was bought in live cattle, for which I believe he made no allowance.

GOV. BUTLER. I think he did not. I thought that was wrong, because live cattle, fattened, make more meat than we get when they are bought. I think he made a mistake.

MR. BROWN. It don't appear whether they were fattened or not.

Q. (By GOV. BUTLER.) Do I understand you to say that it takes more or less meat by weight where it is salted meat than where it is fresh? A. I don't think I made any statement in regard to that. The statement that I intended to make was that if the estimate was made from meat as it runs, bone and all, the estimate would have to be larger than if it was all solid muscle and flesh.

Q. Well, take the meat such as is usually packed; I was talking about? A. I did.

Q. Now, then, which will go the farthest in a family, or anywhere else, two hundred pounds of salt meat, beef, or the same amount of fresh beef? A. The salt, I should think.

Q. (By MR. BROWN.) I want to ask you a single question. The morphia or opium which was at the hospital for medical purposes, was that accessible to the nurse, or any of the nurses in the hospital? A. No, sir; not at all.

Q. Not at all accessible? A. No, sir: only just what was issued to them by us.

Q. On prescription? A. On prescription; and in the hospital there was a standard solution of morphia kept to be given according to our directions, in order that we might not be obliged to put out a drachm every time it was necessary to use it.

Q. Then, the nurse in the foundling hospital, under those regulations, would not be able to have opium or morphia in her possession unless she got it outside; is that a fact? A. Yes, sir.

Q. (By Gov. BUTLER.) One moment. This solution was kept in a bottle, was it not? A. Yes, sir.

Q. In the hospital? A. Not in the foundling.

Q. Not in the foundling, but in the other? A. Yes, sir.

Q. And in about how large a bottle? A. I don't remember, sir.

Q. Well, a quart? A. No, sir; I think not. I think, perhaps, an eight-ounce bottle.

Q. And that was filled up whenever it was short, I suppose? A. Yes, sir.

Q. Well, was there any trouble, if a nurse wanted a little solution of morphia in the foundling hospital, why she couldn't go into the other hospital and get a vial? A. Yes, sir; I think there would be.

Q. What? A. They would not let them have it.

Q. How do you know that? A. I think they would not.

Q. Why not? A. Because, if they did, and they were caught, they would be discharged.

Q. If they were caught at it they would be discharged? A. Yes, sir.

Q. If they were not caught at it they would not be discharged? A. Well —

Gov. BUTLER. No.

Q. (By Mr. CHAMBERLAIN.) Doctor, did they eat the bones out of the beef at Tewksbury? A. No, sir; I never heard of it.

Q. Are you aware that there is a very much larger percentage of bone in the beef that is used for boiling and soups, which they buy for four and three-quarters or five cents per pound, than there is in the animal through? A. I should suppose so.

Q. (By Gov. BUTLER.) Quite as much nourishment in the bones in a soup as in any other part? A. Of course there is some nourishment.

Q. (Gov. BUTLER.) Ox-tail soup is a luxury, is it not, and that is all bone?

Q. (By Mr. BROWN.) You spoke of this bottle of morphia in the hospital. Now, in whose charge would that bottle be? A. In charge of the head nurse.

Q. Would you hold him responsible for it?

Gov. BUTLER. It might be her.

Mr. BROWN. Well, he or she?

The WITNESS. Yes, sir.

Q. (By Mr. PUTNEY.) Just one moment. I take it, Doctor, that in serving these rations to the inmates, they are all fed about alike, are they not? A. It is intended to be so; yes, sir.

Q. Some of them will eat up all that is given them, and the others may leave half of it? A. Yes; they might.

Q. This half that was left would be entirely thrown away? A. There might be some, if it was broken so it could not be used.

Q. Well, was half of the meat so left thrown away? A. There might be some.

Q. Well, it would not hardly be possible to take it and have it served again the next day? A. No, sir; I think not.

Q. So, in that case, it would be equivalent to feeding all heartily; one eats and the other throws half away. Is that the fact? A. Well, that would hardly be the fact, because if a person had a larger appetite he would be given more.

Q. That is, he would be served a second time? A. They would give him some a second time; yes, sir.

Mr. PUTNEY. I supposed that was the way; if one ate what was given him they would give him more, and the other would not eat half that he was given at first.

Q. (By Gov. BUTLER.) Did you ever live in a boarding-house? A. Yes, sir.

Q. Ever hear of any such thing as hash? A. Yes, sir.

Q. And they generally make up the extra meat into hash, don't they? They call it croquettes now, I believe? A. I should hope not from meat left on the plates.

Q. Not? A. I should hope not.

Q. Did they ever have any hash at Tewksbury? A. Yes, sir; I have seen it.

Gov. BUTLER. [To Mr. Putney.] You didn't get the boarding-house side of it, Mr. Putney.

TESTIMONY OF MARTHA E. PEARSON (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Martha E. Pearson.

Q. Where do you live? A. In Chelsea.

Q. How long have you lived there? A. Twenty-six years.

Q. Who was your husband? A. Rev. Lauren Pearson.

Q. Did he preach in Chelsea? A. Only occasionally. He went there when he was sick.

Q. Have you ever been city missionary at Chelsea? A. I have.

Q. How many years were you city missionary? A. I went there in March, 1857; it is eight years since I was there.

Q. You resigned eight years ago? A. Yes, sir.

Q. And you were city missionary continuously from March, 1857, up to 1875? A. Yes, sir.

Q. (By Gov. BUTLER.) How many years?

MR. BROWN. About eighteen years.

Q. (By Mr. BROWN.) When did your husband die? A. June 28, 1878.

Q. Now, as city missionary at Chelsea up to 1875, did you have anything to do with foundling children? A. I did.

Q. What? A. If the overseers had a child that they didn't know what to do with —

Q. That is, the overseers of the poor? A. The overseers of the poor, they brought it to me; and other people brought children to me.

Q. What did you do with them? A. I found them homes in private families.

Q. Were there any you could not find homes for? A. Not any that were brought to me, excepting one.

Q. Did you ever send any children to Tewksbury? A. I carried one, but it was under the direction of the overseer, because I told him I could not find families for any more.

Q. And when was that, Mrs. Pearson? A. That was since my husband died.

Q. Since 1878? A. Yes, sir.

Q. In that connection did you visit the foundling department? A. I just looked in; I saw through the door.

Q. Had you ever been to Tewksbury before? A. I had.

Q. How frequently? A. I had been there three or four times.

Q. When did you make these visits? A. It was when the overseers or the city marshal wished me to go up with some one they wanted to have good care taken of on the way.

Q. Can you recollect the day or the date of any of those visits? A. I cannot, except that the last child I carried was before 1878.

Q. Now, whenever you went there, Mrs. Pearson, was your

coming announced to the authorities? A. No; I went up and rode up in the wagon that other people rode up in—the poor people.

Q. To the institution? A. Yes, sir.

Q. Did you ever go over the institution to examine it? A. I have.

Q. How far back, Mrs. Pearson, was the first time you went to examine that institution? Give us the year as near as you can? A. I think it was in 1858 or 1859.

Q. 1858, or 1859? Well, take your next visit after that? A. I cannot tell, because I was in no way connected with it.

Q. Now, Mrs. Pearson, I want you—Capt. Marsh went there in 1858, I believe in June. I want you to tell this committee what you saw in regard to that institution, at any of the visits you have ever made, in the matter of cleanliness? A. Very clean; everything that I saw.

Q. Did you notice any material change in point of cleanliness on your last visit from what you had seen on previous occasions? A. I did not.

Q. In other words, Mrs. Pearson, you wish the committee to understand that at all the visits you ever made to Tewksbury the institution was cleanly?

Gov. BUTLER. What she saw of it.

The WITNESS. What I saw of it. There were people there acquainted with me, and they rushed out to see me when I came. They were always cleanly dressed. And I went around in the rooms. Some of them had private rooms, and they took me into their rooms.

Q. Did you ever go there, Mrs. Pearson, when there were not a greater or a less number of persons there as inmates with whom you were acquainted? A. There were always some that didn't fail to meet me.

Q. During any time when you have ever been there have you ever heard any complaints against the institution from any of the inmates with whom you were acquainted? A. Not a word.

Q. What have you heard said, if anything, by them in regard to the institution? A. I never heard a word against it in all my labors in Chelsea among the poor people. They were loth to go there, because they said they would never be respected after they came back. They were most of them Irish, and they

said their friends would twit them about it. That seemed to be their greatest objection.

Q. Now, in all your labors as city missionary in Chelsea, how frequently have you been brought in contact with people who have been there as inmates? A. Why, almost every day, when I was city missionary.

Q. Now, Mrs. Pearson, outside of the institution, when you have been brought in contact with persons who had been in the institution as inmates, what, if any complaint, did you hear?

A. Not any.

Q. Did you ever examine, on any of your visits, the beds and bedding at the institution? A. No, sir. I looked at them as I went in. They looked neat.

Q. You didn't overhaul them? A. I hadn't any occasion to.

Q. Did you ever go into the cooking department to see what was there? A. No.

Q. Did you ever see the inmates at their meals? A. No; I would only stop to dinner, and go right back on the afternoon train. I would be at dinner, I suppose, the same hour they were.

Q. (By Gov. BUTLER.) And, I suppose, dined with the officers? A. I dined with Capt. Marsh, at his table.

Q. (By Mr. BROWN.) Now, when you went into the foundling department there, what did you see? A. I just looked in. The baby I carried up was a nice-looking baby, and I looked in to see who had him in her arms, and he was in the arms of a nice-looking lady.

Q. Did you follow the child after that? A. No.

Q. Know anything about its history, whether it lived, or whether it didn't live? A. No.

Q. You never carried but that one child there? A. I carried children for the overseers of the poor, when they wanted to send a child carefully; twice I have carried children:

Q. Twice before that one you referred to? A. Yes.

Q. That makes three times in all? A. Yes.

Q. Now, did you ever examine the foundling hospital at any of the other visits when you carried children? A. I did not; no; I hadn't time; I would have been glad to.

Q. Did you ever know Eva Bowen? A. I did.

Q. When did you know her? A. In Chelsea.

Q. Where did she live at the time when you knew her? A. She lived in Chelsea.

Q. What street and number, if you recollect? A. I can't think of the name of the street; I could probably go to the house.

Q. Did you know her father? A. Knew him well.

Q. Did he attend the same church where you did? A. He did.

Q. Eva go the Sabbath school? A. She did.

Q. Was she in your class? A. No.

Q. What did you have to do with the Sabbath school? A. I had the infant class.

Q. Did Mrs. Bowen attend the same church? A. She did.

Q. Did you ever talk, — I don't ask you now what was said, — but I ask you if you ever had any conversation with Mr. Bowen about Eva?

Gov. BUTLER. I object.

Mr. BROWN. Simply the fact, not what was said.

Gov. BUTLER. I don't care; the fact is not competent, because it is entirely incompetent. If he said she was a good girl, or if he said she was a bad girl, it would be immaterial. Now, why put in a talk, when you can't put in what was said? What does it prove; suppose we stop right there? It is as immaterial as if you asked her if he talked about the weather.

Mr. BROWN. That might be material.

Gov. BUTLER. I wish you would state some materiality.

Mr. BROWN. Well, Mr. Chairman —

Gov. BUTLER. Upon this question, — to ask a person, did you ever talk with another; that is all.

The CHAIRMAN. I don't think that question is material.

Mr. BROWN. The chairman will excuse me for explaining my view of it. It is this: Eva Bowen has testified that her father tried to take her life at Tewksbury.

Gov. BUTLER. No; she has not.

Mr. BROWN. That he and Nellie Marsh tried to take her life at Tewksbury; that her father wrote a letter to Nellie Marsh, which contained some reference to a scheme to take her life at Tewksbury, and the life of her child. Now, I asked this question of this witness because, if this witness answered this question in one way, I should not pursue the investigation any further; if she answered the question in another way, I should then follow it up to know what means of information this woman had

as to the relation which existed between Mr. Bowen and this child, this girl. Now, if the committee say it is entirely immaterial, and they don't care to have me undertake to refute what this Eva Bowen has said in regard to the conduct of her father and Nellie Marsh, in trying to take her life, that is one thing,—if they deem that is immaterial; but, if it is material and proper that I should undertake to show that this creature, when she was on the witness stand here, told that which was absolutely false, and she knew it to be false,—because, not perhaps, with this witness, but with other witnesses, I shall be able to show that that father clung to her with his kindness, which was proverbial, up to the hour when he finally lost sight of her in the darkness and gloom into which she deliberately entered for her own purposes,—that is another thing. Now, it struck me that that was material—

Gov. BUTLER. Another proclamation.

Mr. BROWN. Well, it is an original one.

Gov. BUTLER. Undoubtedly, because it is a lying one.

Mr. BROWN. Thank you for the compliment.

Gov. BUTLER. Quite welcome.

Mr. BROWN. Now, if it is material, and if it has anything to do with this case; if her testimony in regard to her treatment by Nellie Marsh and her father—because she links them both together—has anything to do with this case, then it is proper and competent that I should enter upon this kind of inquiry. I suppose it is perfectly proper for me to offer a witness to show that at the very time when Eva Bowen says her father was conspiring to take her life, that that man's heart was filled with tenderness: that he was doing her every act of kindness which a loving father could suggest to himself, or which his position and ability, financial ability, would permit him to undertake. I suppose that would be perfectly competent, and that is the view in which I ask this question, which is preliminary. If she says she knew anything about it, I shall proceed: if she says she don't, I shall stop. That is the view I have of it.

Gov. BUTLER. May it please the committee: what is the question? I ask you if you ever had any conversation with Mr. Bowen; I don't ask you what it was. That is the question. If it is answered in one way, he says, he will do something; if it is answered the other, he won't. What information as to Eva Bowen do the committee get from that? He admits that a conversation would be wrong; she ought not to answer

as to that, he admitted by the very form of his question. Now, then, we proceed. This is made the ground of hanging a string of abuse upon this young woman; and I speak advisedly, because he says that he wants to prove to this committee that Miss Eva Bowen lied when she said her father didn't feel well toward her; when she swore to you on her oath here that her father was always kind to her, always treated her kindly, supplied her with money, and she never knew but what his feelings were good. Now, wasn't that sworn to? Then, why rise up here in order to strike this poor girl? Why rise up here and say that if it can be shown that the father spoke kindly of her that will contradict her? I don't care what this lady will say upon the subject. However kind he spoke to her — of her — would not contradict her. The contradiction of Eva Bowen would be that her father said he didn't feel kindly toward her and did want to kill her? That would contradict Bowen, because Bowen swore expressly, over and over again, and she said that it was the stepmother that did it, and caused the father, at last, to disinherit her with \$25 out of a large fortune. That fact cannot be wiped out; the will will be here before you whenever they attack Miss Bowen. I have no objection to this question as a matter of what will be proved, but I object to going in and raking up conversations, and sending detectives through New York and the purlieus of every other place, to see if somebody can't be found to strike down this young woman. You are asked to say that it didn't make any impression on your minds, — her testimony. You have no right to say it now; in your final report you have a right to say what you please. But are you to be misled here? Is this girl to be attacked by saying they can prove the father loved her and that she don't tell the truth, when she says over and over and over again her father loved her all the while and that whatever was done was done under the influence of this stepmother, who for all ages has been known to be in every walk of life the enemy of the child that was not her own. When they find anything against Eva Bowen that she don't tell the truth we will meet it; but when she tells the truth they are not coming here to blacken her reputation by my leave, as far as I can prevent it by showing that she did tell the truth exactly, in order to hang a speech from the rough side of a lawyer's tongue against a woman.

MR. BROWN. Mr. Chairman —

GOV. BUTLER. I have the reply here, I think, sir.

Mr. BROWN. You can close after I get through.

Gov. BUTLER. Pardon me. I know; but we can't keep talking all day, and I insist, Mr. Chairman and gentlemen, that the rule must be applied.

The CHAIRMAN. I think we will submit the question to the committee.

Mr. BROWN. I want to say a single word —

Gov. BUTLER. I insist upon my rights.

Mr. BROWN. In explanation, to correct my friend.

Gov. BUTLER. What?

Mr. BROWN. I want to correct a single suggestion which he made.

Gov. BUTLER. I know; you want to make a speech.

Mr. BROWN. Not at all, not at all.

Gov. BUTLER. I don't mean you shall.

The CHAIRMAN. I think we had better conform to the rule.

Mr. BROWN. Very well.

The CHAIRMAN. Do you wish to have the question submitted to the committee?

Mr. BROWN. I want to have the question passed upon in some form.

Mr. WOLCOTT. As I remember the testimony of the witness, Mary Eva Bowen, a letter was put in, written, if I remember rightly, by her father to some nurse or attendant at Tewksbury, in which there was an expression which she said she understood to mean that an attempt was to be made upon her life, and the purport of her evidence was that such attempt upon her life was made there. Now, if the committee believe that that was a pure piece of imagination of hers, and are willing to throw out the imputation that any such attempt was made upon her life there, I think we need not go into this evidence. If, on the other hand, any members of the committee believe that, instigated by her father or by any one else, such an attempt upon her life was made at Tewksbury, I think that we ought to find out whether or not that is substantiated, or whether it can be denied. We have already admitted the testimony of the man Andrews, and I think that any repetition of what the father of this young woman said is clearly admissible. But, if the committee believe that the insinuation that was thrown out was wholly a piece of her imagination, I am quite willing to accept that and not to go into this matter any further.

Gov. BUTLER. I don't ask that the question shall be ruled out upon that ground at all, sir.

Mr. WOLCOTT. No, sir.

Gov. BUTLER. Because I shall contend, as far as instructed now, that it was not only not a freak of the imagination, but it was the truth.

Mr. BROWN. Can I say a word now?

Gov. BUTLER. I don't know any occasion for you to say anything.

Mr. BROWN. I should like to ask your permission. I want to go still a step further; I want to show this mother never was a stepmother, and that the poetry which my friend indulged in a moment ago is absolutely without foundation.

Gov. BUTLER. Not even as well as that, for Eva was an adopted child. She had neither the love of a father nor of a mother for a child, to restrain —

Mr. BROWN. Never had a stepmother.

Gov. BUTLER. Worse than a stepmother; because a stepmother might have some regard for her husband's child.

[Mr. Wolcott moved the question be admitted. Carried.]

Q. Did you ever talk, — I don't ask you now what was said, but I ask you if you ever had any conversation with Mr. Bowen about Eva? I don't ask you what was said, but I ask you if you ever had any conversation with Mr. Bowen with regard to Eva? A. I had.

Q. Do you recollect the time when Eva Bowen left her home? A. When I returned from my summer vacation in 1874, she was missing.

Q. Did you ever, I don't ask you what was said, did you ever have any conversation with her father in regard to her being missing?

Gov. BUTLER. I object again. Now we have got a new question. In 1874 she was missed, but that is not the time of which Eva Bowen speaks. What the father's idea about her some years before or after was, don't give what his feelings were at the time when she was at Tewksbury with that child, even putting it upon the narrow ground upon which one of the committee argued it, which it hasn't any tendency to show, in my judgment. The question was put upon the ground to show that he had affection for her, and it don't tend to show that he had affection for her in 1876, because he had affection for her in 1874, before she had behaved ill or well. And it don't tend to

show he didn't write a letter, because he might have written a letter under duress, as she thought he did.

Mr. WOLCOTT. I think it ought to be limited to the time, Mr. Chairman, at which the supposed attempt was made.

Mr. BROWN. Mr. Chairman and gentlemen: I took this view of it. This child went to the hospital on Oak Street on the ninth of December, 1874. The child was born, as you will see by referring to the 561st page of the record, the testimony of Caroline E. Hastings, — the child was born on the twenty-sixth day of March, 1875. Now, she went to Tewksbury at a period still subsequent to March, 1875. Now, for the purpose of showing, — assume that that is the only purpose, for the moment, — for the purpose of showing what was the relation between the father and this person, it is perfectly competent, — that is, at the time when this letter was written, — as to showing the probability as to whether he did enter into a scheme to take her life: it is perfectly proper for me to show what was his conduct toward this child, for a series, even for a series of years prior to that, had been. Now, I commence with 1874. This woman came home from her summer vacation; she found that Eva Bowen, who had been in the Sabbath school at the church she was attending, was missing. On the ninth of December she turns up in the home at Oak Place; on the twenty-sixth of March she was still there, and gave birth to a child. Subsequently, a number of months afterwards, she went to Tewksbury. Now, it is perfectly competent, because at Tewksbury was the attempt upon her life, — it is perfectly competent for me to show what was the disposition, because that is what we are coming at, — what was the disposition of the father toward this child, even for a series of years, and, probably, it would not cover more than a year or a year and a half. I think I can show, Mr. Chairman and gentlemen, — this is not a proclamation, — I think I can show that the relation between this father and this child was one of such tenderness as has seldom been seen or heard of, and that this woman had an opportunity of knowing all about it. And, if the witnesses who are familiar with the relations of the father and this child, — if the letters of the father to persons I shall offer here concerning this child are admitted, — I think this committee will see that the idea that this man could have ever had in his mind any serious purpose against his child's life, is perfectly absurd, and that it was either a wicked and wilful falsehood on the part of this witness

or it was the result of a diseased brain and a wrong imagination. I think that must be the result of it; and, upon that ground, I ask that this testimony be admitted.

Gov. BUTLER. If it was in controversy here at all, which it is not, that prior and even after her ill action, — and we will try, if you are going into Eva Bowen, to get the history and the name of the man before you who was the father of her child, — I should be very glad to go into that —

Mr. BROWN. I don't care to go into it. You can go into it or not, just as you choose; I sha'n't object.

Gov. BUTLER. I don't suppose you do, but I do. If we are going to have the history of Eva Bowen, we will have the whole of it. Now, I say, if it was in controversy, which I have not raised and which she has not raised, that her father felt kindly toward her in 1874, before she had done anything except to get the teaching of this Sabbath school, why, then, it would be well enough to have the testimony that he did feel kindly. I don't deny; yes, I claim that he felt kindly toward her, and he hunted her up and carried her to Chardon Street, protected her, and took care of her, and from Chardon Street he sent her to Tewksbury, supposing it was a proper place for her. And the letter he wrote, what was it? He said it would be better for the family if she and her child were dead; that is all. And how many a loving father has said of his child, I had rather that she were in her grave than here, under such circumstances. How it was interpreted by the person who gave the medicine is another question. So, it does not prove anything to show what the father said to this woman, because I agree that he felt kindly. Miss Bowen testified to you, and I observed gentlemen of the committee were careful to leave that out of their statement,—Miss Bowen testified to you that she believed her father always loved her, even after that. Now, in order to get up something on which prejudice may hang an argument, it is proposed to show, what? That the father did. How does that contradict her? It don't prove the thing wasn't done; it has no tendency. It don't contradict her, for she swears from then till now, notwithstanding her disinheritance by this worse than a stepmother, — because this woman got her disinherited, she being no relation to Mr. Bowen nor to her, in any form or way. But if we are going into it, be it so. But the door will be opened widely. I think it is not competent. It is not the hearsay of Andrews. The hearsay of Andrews that I put in was

when he was dealing with dead bodies, he told where he got his supply. The father was not dealing with his girl in Tewksbury. The difference is as wide to any lawyer or to a member of the bar, even, as heaven and earth. The difference is this: I am about changing my residence; I am actually moving. A man says to me, "Where are you going?" "I am going to take up my home in Boston." That is good evidence, because it accompanies the act. That is hearsay, precisely as with Andrews, when he was asked, "Where did you get those bodies?" "I got them from Tewksbury." It accompanied the act. The source of your supply! "Where were these oranges from?" "From Florida." Good evidence. But Andrews could not be asked out here in the country, and I never asked him anywhere else what he said about it. When the father was sending this girl to Tewksbury, if he said what he sent her for, it might or might not be good evidence. It would be, if it contradicted anybody. But what he said two years before is no evidence to anybody to prove any fact. It is like conversation in the country. Now, again, I protest against this course of questioning.

Mr. MURPHY. I move that the question be not admitted.

The CHAIRMAN. There seems to be no controversy about the feeling between the father and the girl at a time previous to the trouble.

Mr. BROWN. I was going to make a suggestion. From what His Excellency has said, I understand he does not claim there was any hostile feeling between the father and the daughter.

Gov. BUTLER. No; never. I should contradict my own witness if I did. She has sworn there never was.

Mr. BROWN. Then, I understand, no use will ever be made by you of the claim, testified to by Eva Bowen, that this letter contained a suggestion on the part of her father that she should be removed?

Gov. BUTLER. I say over again that I shall claim that the letter was the suggestion of this stepmother.

Mr. BROWN. Through the father?

Gov. BUTLER. Through the father, — better if the child was dead.

Mr. BROWN. Very well; I will leave it right there. I shall have the stepmother here and I think I can settle that business.

Gov. BUTLER. Thank God.

The CHAIRMAN. I understand you don't press the question?

Mr. BROWN. No, sir.

MR. RISTEEN. I see on page 551, in answer to a question by Mr. Brown, the witness said she thought her father loved her.

GOV. BUTLER. Will the gentleman of the committee have the kindness to read it? I haven't the volume with me.

MR. PUTNEY. I should like to call the attention of the gentleman to page 553, the re-direct examination.

GOV. BUTLER. [Reading from the record.] "You think he loved you and sympathized with you." "I think he loved me."

MR. LEARNARD. I call attention to the next question, on the top of the 552d page; the question and answer immediately following.

MR. BROWN. That is what I referred to.

GOV. BUTLER. [Reading.] "He wanted to get me out of the way, evidently." Now, then, if you will go further you will find my examination after that.

MR. BROWN. Yes; on page 553.

THE CHAIRMAN. I think any questions touching upon the feeling between the father and the girl should be confined to about this time when she was at Tewksbury.

MR. RISTEEN. Page 553, re-direct examination.

GOV. BUTLER. Here it is. [Reading.] "Now, madam, your father died and left a will, didn't he?" "Yes, sir." "In that will you were disinherited, and the money went to your step-mother, — all the property?" "Yes, sir." "Did you believe, at Tewksbury, when you were sent away from your father's house, and all the time you were put around in these places, that this was done under the inspiration of your step-mother?" "Yes, sir." "Did you blame your father for it at all?" "No, sir." "Was he under the control of your step-mother?" "Yes, sir." "And his will was made in her favor?" "Yes, sir." "And you were left out, with \$25, I believe?" "Yes, sir." "And you got that?" "Yes, sir." "At the time Mrs. Rowell or Miss Marsh, one or the other of them, got this letter, which was read to you, you believed that your father was kindly disposed towards you, did you?" "Yes, sir." "And he was at that time sending you money?" "Yes, sir." "And yet you say you believed that he would have been glad to have you taken out of the way. Why?" "Because he was afraid that people, — that his acquaintances would know anything, —" "Would know what had happened to you. Did you also believe that he was acting under the in-

spiration of your stepmother?" "Yes, sir." "Now, how long was it after Mrs. Rowell read this letter to you, or this portion of a letter, that it would be better for the family if you were dead, before you got that dose?" "Possibly two weeks after." "Two weeks after, — the dose which you described yesterday, which came so near killing you?" "Yes, sir." "For which you say Mrs. Rowell gave the antidote. After you got back to Dedham did your father visit you?" "Yes, sir." "And did he give you money?" "Yes, sir." "Whether all these sums that he gave you in various places were not simply to cover the disgrace of the family?" "Yes, sir." "Now, then, you have been adjured two or three times on your oath, — have you, so far as to know or can recollect, told the whole truth and the exact truth?" "Yes, sir." "Now, did you ever tell this story to anybody until after your father was dead, so that it would not harm him." "No, sir." "Was not the reason that you kept it quiet, kept still about it, solely out of respect to him?" "Yes, sir." "How soon after his death did you tell it?" "Probably a month after." "If there can be any kinder relation than that, I should like to see it."

Mr. WOLCOTT. On page 550, the question is, "Did you have any respect for your father?" "Certainly." "Respect for the man who wanted to take your life, did you?" "Yes, sir." "You did have respect for the man who wanted to take your life. You knew that that was his purpose, did you? You knew that your stepmother wanted to take your life, did you?" "Yes, sir." And so on. Now, I submit that the whole purport of that evidence was to show that her father, instigated by her mother, perhaps, but that her father wrote a note that was intended to suggest to an officer at Tewksbury that this woman's life should be taken, and that such attempt should be made. The evidence was evidently intended so by the witness, and it was certainly so understood by me. I think, under the rules that have been laid down by the votes of this committee for admitting evidence, that evidence showing the relation of the father to this daughter at or about that time, — close to that time when this letter was written, which was understood to be an instigation to murder, and was claimed to be acted upon as an instigation to murder, — ought to be admitted. I move that, limiting it to that period, that the question be admitted.

Gov. BUTLER. The period asked for now is 1874, — two years, nearly.

Mr. WOLCOTT. I have already said it ought to be limited to that period.

Gov. BUTLER. There is another motion pending.

Mr. WOLCOTT. Limit it to a time after her going to the Oak Place Home.

Mr. MURPHY. I made a motion that the question be not admitted.

Mr. WOLCOTT. I offer my motion as a substitute for Mr. Murphy's.

Mr. PUTNEY. It is a question in my mind whether or not that letter which has been spoken of really meant what it has been construed here. The word in there, "remove," seemed to me at the time of the hearing, and has seemed to me since, to have had reference to removal to some other institution; because it is very clearly noticed that immediately after this letter she was removed to Dedham; and I have had it in my mind since that time, whether or not, what was intended as the object of that letter, was not, instead of such a removal as some of us are construing it to mean, a removal to some other institution. Now, I have looked over the evidence very carefully, and I took particular pains to listen to it from the witness herself, and I am certainly of the opinion that she felt that her father was in sympathy with her during these years of her difficulty, and, while she received from him money at different times. — small sums, — at the same time the father was under the subjection and the control of the stepmother, and, to a large extent, she might have suffered from her father, but, virtually, from the stepmother herself. Now, it seems to me that is the tone of the evidence all through there, and that is why I voted as I did against the admission of the question.

The CHAIRMAN. The question comes upon the substitute motion offered by Mr. Wolcott.

Mr. BROWN. I should like to say a single word, if the Chair please. I believed at the time, or when I heard the evidence I believed, just as has been suggested by the gentleman of the committee, that that word "remove" was perfectly harmless; and it was not till the examination which was made here, which you heard, which has been referred to by another gentleman of the committee, that I thought this girl ever had in her mind, or ever entertained the idea, that her father ever had towards her

a malicious purpose. But I don't think anybody can read that evidence without coming to the conclusion that this girl intended to give you to understand that the word "remove" meant to take her life; and that is the view in which I desire to meet it, nothing else.

Gov. BUTLER. Now, then, the statement is that the counsel had the same view of this testimony till after my examination.

Mr. BROWN. Not till after your re-examination.

Gov. BUTLER. What?

Mr. BROWN. Not till I heard her make that statement.

Gov. BUTLER. Heard her make her statement. But the word "murder," and all that, was put into this woman's mouth by the counsel; and I have no doubt that she thought that that was the meaning of it, because of what followed. She would not have thought so if nothing had happened to her, and her father might not have intended anything more; but whoever read it, gave her a dose that came near taking her life, and she came to the conclusion that that was what it meant, because of the attempt made.

The CHAIRMAN. We seem to be getting along very slowly. I think I had better put the question on Mr. Wolcott's substitute.

Mr. CHAMBERLAIN. If the testimony of Eva Bowen means anything, as I listened to it, it means that her father,— that she thought her father meant and desired to have her life taken. That is what it means to me, exactly. That is what her testimony meant when she gave it, to my mind.

The CHAIRMAN. All in favor of Mr. Wolcott's substitute, to confine the question to about the time that Miss Bowen left the Oak Street Home, or entered the Oak Street Home —

Mr. WOLCOTT. To about the time the letter was written, I should say, on which this charge is based.

[The Chairman put the motion as Mr. Wolcott suggested, and it was carried.]

The CHAIRMAN. Proceed, Mr. Brown.

Q. Mrs. Pearson, did you see Eva Bowen in 1875? A. I did.

Q. Where? A. In the court-room.

Q. What court-room? A. In Boston, in a private office.

Q. Do you recollect the building? A. I think it was on Washington Street, but I am not positive; I have been in a

number of such private offices, and I didn't keep any record of it.

Q. Who was present? A. Mr. and Mrs. Bowen and myself, besides the judge.

Q. Was Eva present? A. She came in.

Q. Who brought her in, do you recollect? A. I think it was an officer, but I am not sure.

Q. Can you recollect the time of year in which that took place? A. It was some little time after she left Oak Place.

Q. Had the child been born when you saw her at this office. A. It had.

Q. Did she have it with her? A. No.

Q. Can you tell me where you next saw her after you saw her at this office that you speak of? A. I never saw her again; she was given up to the State, then.

Q. Did you know when it was she went to Tewksbury? A. I did not know she was there till I saw it in the investigation.

Q. Can't you fix the time of the year when that was? You say it was after she left Oak Place. [Witness paused.]

Gov. BUTLER. If you want to place it I can tell you how you can.

The WITNESS. How?

Gov. BUTLER. She was sent to Dedham, wasn't she?

The WITNESS. Yes, sir; from there.

Gov. BUTLER. That fixes it.

The WITNESS. I supposed she would be sent to the Lancaster school but on account of her baby, — her father didn't complain of anything but disobedience before the judge, — I supposed she would be sent there, but she wasn't.

Mr. BROWN. She was sent to Dedham; we can fix the date from that.

Q. Did you see her after she went to Dedham? A. I did not.

Q. When did you see her after she went to Tewksbury? A. I didn't know she was there.

Q. Have you ever seen her since that time you saw her in the court-room? A. Not since the judge sentenced her.

Mr. BROWN. Now, I take the direction of the committee whether they say that comes sufficiently near to the time suggested.

Gov. BUTLER. She said this was in 1874, when she was first missing.

Mr. BROWN. I beg your pardon; she says it was after the child was born.

The WITNESS. The child was not born in 1874.

Mr. BROWN. The child was born in 1875. She says it was after she left Oak Place; the child was born in 1875, the 26th of March, and this was after that.

Gov. BUTLER. I understand this was after; but the question you asked and what she answered before, was in 1874.

The CHAIRMAN. I understand that question has dropped out.

Mr. BROWN. That has dropped out; that has gone.

Gov. BUTLER. Very well; that has gone. Now, then, she saw them in the court-house,—in some private office.

The WITNESS. Saw the judge in a private office, a private hearing.

Gov. BUTLER. A private office of a judge; I don't know what judge it was doing that; passing judgment in private offices.

The WITNESS. I understand that is what they do in sending to Lancaster. I have been there several times.

Gov. BUTLER. I understand that; I am going into that. I don't understand a judge has any more right to pass upon one case than another in private offices, and I shall find out how that is.

Mr. LEARNARD. I move that the question be admitted.

Mr. MURPHY. What is the question to be admitted?

Mr. BROWN. I have not asked any question.

Mr. LEARNARD. I move that the matter be admitted.

Mr. BROWN. I was going to say if the committee think I have brought this within a time when the committee think they ought to know, I will ask the question.

The CHAIRMAN. It seems to me it is within the time.

Mr. BROWN. I will put the question and then we will see.

Q. Mrs. Pearson, at the time when you last saw the father and the mother and the daughter together, did you have any conversation with the father? Now, not what it was, but did you have any conversation about the child? A. Not in that room.

Q. But, on that day, did you? A. Before I went there.

Q. Now, I will ask you this question : what was the relation between the father and the child at that time?

Gov. BUTLER. I object. You don't ask for the conversation.

Mr. BROWN. No.

Gov. BUTLER. You ask her judgment.

Q. I will ask you what conversation took place between you, — to bring it straight to the committee, — on that day, and the father about the child?

Gov. BUTLER. Upon the whole, I should like to have it out myself, I guess.

Mr. BROWN. So you don't object?

Gov. BUTLER. On that day.

Mr. BROWN. On that day.

A. He asked me if I would go with him ; he said his wife felt so very bad she wanted me to go with them to the hearing.

Q. What other conversation? A. He said he could not bear to say anything against his child ; and the mother said so, too.

Q. Now, anything else? A. He wanted to know if I was called upon if I could testify she was disobedient. I said I could, and that is all. I was not called upon to say anything because she pled guilty.

Q. Now, did you have any other conversation with the father about the child? A. He said he would pay all her bills ; he didn't wish to give her up to the State to exonerate him from supporting her, but he could not govern her.

Q. Was any of this conversation in the presence of Eva Bowen? A. Not a word.

Q. Not a word. Now, do you recollect of any other conversation which you had with the father on that day? A. I remember his telling me that a lady, a very kind lady, was to take charge of Eva.

Q. Where? A. I supposed to take her as she came out of the court-room ; she went out immediately.

Q. Did you know where she went to ; what institution she went to on that day? A. I did not ; I supposed she was going to Lancaster, but when they knew about the baby she could not go there.

Q. Do you know where she did go? A. I do not.

Q. Did you ever know or hear, while she was at Dedham, or ever see her there? A. No, sir ; I never have seen her at all.

Q. Did you ever have any conversation with the father in regard to her after the day when you met them in the court-room? A. Very often; and the mother too.

Q. Down to what time? A. Down to the time she died.

Q. Down to the time who died? A. I mean that he died.

Q. Down to the time the father died? A. Yes, sir; I told him it would break his heart.

Gov. BUTLER. Never mind about that, madam.

Q. Now, I would like to ask what that conversation was. What was the conversation that you had with the father about the child?

Gov. BUTLER. I don't object. Clear down to the hour of his death.

A. That he loved her very much, and that he didn't want her to be exposed to the world; he wished me never to tell where I found her at first because it would break her mother's heart, and I never did. I supposed it would be a secret to go down to the grave with me, till this came up.

Gov. BUTLER. You haven't told us where you found her first, now.

The WITNESS. I suppose I have got to.

Gov. BUTLER. I don't know that.

Q. Any other conversation, Mrs. Pearson?

Gov. BUTLER. Clear down to the time of his death, madam.

Q. Any other conversation? A. Well, he was very anxious she might become a Christian; used to ask me to pray for her, to write to her, but I didn't write to her.

Q. How frequently did you meet the father? A. As often as once a week and sometimes oftener, in the street and at church.

Q. Do you recollect when he died; what year it was? A. I do not. He dropped dead in the church, speaking of the prodigal returning home. The subject was how the father loved the child, and he rose and said yes, how glad the father always was to welcome the prodigal home, and dropped dead.

Q. Well, now, do you recollect any other conversation you ever had with him?

Gov. BUTLER. I object to having any that goes back —

Q. I mean after the day you were in the court-room? A. He said he should change his will; that he was afraid this man had such an influence over her he would lead her to destruction,

and she would be better off without property than she would with. That is what he said to me.

Q. Now, Mrs. Pearson, I will ask you this question: After the day when you were in the court-room, which you have referred to, down to the day of his death, in any conversation with him, did you ever hear him speak otherwise than in the most kindly feeling toward his child? A. Never.

Q. Did you ever hear the mother speak —

Gov. BUTLER. Pardon me; I object.

Mr. BROWN. Now, I come, Mr. Chairman, to the very question which I supposed His Excellency would be perfectly willing to admit.

Gov. BUTLER. What is that?

Mr. BROWN. His Excellency now takes the position that this father was always kind, and this act of wickedness was instigated by the mother. Now, I have got through the father and am going after the mother. I want to know, — I will start with the scene in the court-room, — from that time down to the death of the father, — I want to ask this witness what took place between her and the mother as to the child. Because, the mother is now the wicked and malicious being behind the father, on the theory of His Excellency.

Gov. BUTLER. And that is to be done by proving what this mother said; that is the proposition.

Mr. BROWN. And what she did.

Gov. BUTLER. I am not objecting to what she did, but I am objecting to what she said. She is alive and twenty-one. She was not the mother of this child, and it was not her heart, I guess, that was going to be broken by anything that was done by this child. We shall find out directly. And, now, the committee are going into what the mother said. Now, shall we go into what everybody else said? It is not the mother, even, — what this woman that married the man to get his property said? The father died with love to the child upon his lips. He felt that she would have a better chance in life if she didn't have any money than she would if she did! Being thrown on to the world with the stamp of pauperism, of being in the poorhouse, the State almshouse, and the stamp of having wrecked her virtue and being the mother of an illegitimate child, the way was, if we are to believe this woman, the way for her to get on in this world was not to have any money. She would get to be a Christian much sooner through tribulation. That is the theory

on which we start now, and, therefore, we have got very kindly words; but the act was deadly. As kindly as Squeers always spoke to his children when he watered their milk. Let them bring the woman here to tell us just how she felt; but I object to putting in the words of this woman who is not the mother. was not the mother, through the mouth of another person.

THE CHAIRMAN. I think if the woman is alive she had better be called to testify herself.

MR. BROWN. I intend, Mr. Chairman, to have her here; but when she gets here His Excellency will tell us she has not been corroborated.

GOV. BUTLER. This would not be any corroboration.

MR. BROWN. I think it would.

GOV. BUTLER. Not at all.

MR. BROWN. The testimony of this witness is certainly in corroboration, would be in corroboration of her own testimony, if her own testimony had already been given. If the committee think it better, I will limit this inquiry, now, to what the mother did, so as to save all trouble.

GOV. BUTLER. Very well.

Q. Now, Mrs. Pearson —

GOV. BUTLER. Not what she said.

Q. Not what she said, but what, within your knowledge, did Mrs. Bowen do with and for Eva after the day when you were in the court-room there together up to the day of the death of the father. . A. I don't know what she did.

GOV. BUTLER. We will stop there, then.

Q. But you do know what?

GOV. BUTLER. I object.

MR. BROWN. I want the whole answer.

GOV. BUTLER. The question is, what did she do? And she said she didn't know what she did. Now, you want to try to get in what she said.

MR. BROWN. No; I don't want to get in what she said. I want to know what she testifies, and I think the witness is entitled to answer the question.

GOV. BUTLER. She has answered it.

MR. BROWN. When it appears she is going to give what is hearsay I shall stop her.

GOV. BUTLER. I understand; she has answered the question fully. What did she do? I don't know what she did, said the witness.

Mr. BROWN. That don't answer my question, fully.

Gov. BUTLER. Yes; it does.

Mr. BROWN. I beg your pardon.

Gov. BUTLER. You asked what she did, and she said she don't know what she did; that answers the question fully.

Mr. BROWN. I don't think it does.

Gov. BUTLER. Why not? It is only to have this over-charged battery go off.

Mr. BROWN. Oh, no; there is no battery here that is over-charged.

The CHAIRMAN. If the witness wishes to qualify her answer in any way she can do so.

Q. Do you wish to qualify your answer?

Gov. BUTLER. Not by telling what she said.

Q. I don't want you to tell what Mrs. Bowen said; I simply ask in regard to what she did. A. Well, in all my acquaintance with her and in my company, she acted very kindly; I can say that.

Q. Now, I don't ask you what she said, but I will ask you this question: did you ever know her, during that period, to do any unkindly thing toward this child? A. No; nor any other child.

Gov. BUTLER. This is enough for the present, madam.

THE WITNESS. This is new business to me, you know.

Q. She had how many adopted children?

Gov. BUTLER. Well, I object. We certainly can't go into that question here. If she had many adopted children, I should not blame her for killing off some of them.

Mr. BROWN. I think it bears somewhat on this case that this Eva was one of four or five adopted children; they never had any children of their own. We shall have some of these adopted children here by and by.

Gov. BUTLER. When they come we will deal with them.

Mr. BROWN. I know we will.

Gov. BUTLER. As well as we can.

Mr. BROWN. But I think it is a fair question as giving this committee a little light upon this subject, that this child was only one of a number of adopted children.

Gov. BUTLER. What would you deduce from it? What does that prove? That they were more kindly disposed to her because they had more?

MR. BROWN. It is not for me to make deductions ; it is for the committee.

GOV. BUTLER. But evidence to be competent must prove something. Because they had more, does it prove of necessity that they felt more kindly toward this one? There might be a reason for getting this black sheep out of the way to save the rest. Which way are we to have it? I suppose there must be some sort of pertinency to evidence put in. All I desire is to limit the inquiry.

MR. PUTNEY. Mr. Chairman, it seems to me that if this stepmother is to be brought on here as a witness it is fair for this committee to get what inference they can from her testimony ; and then, if there is any desire on the part of Mr. Brown to impeach her character for truth and veracity, etc., then it would be competent afterwards. It seems to me that this evidence, coming before the live witness comes here, is out of place entirely.

THE CHAIRMAN. Do you press the question, Mr. Brown?

MR. BROWN. No ; I won't press the question. I will produce Mrs. Bowen if it is a possible thing. She is in a remote part of Maine, but I think we can get her here.

GOV. BUTLER. She will come, undoubtedly.

MR. BROWN. The great difficulty is, the ladies don't like to meet you, Governor. I don't know what the reason is.

GOV. BUTLER. Everywhere else but here.

MR. BROWN. Your witness.

Cross-examination by Gov. Butler.

Q. Now, Mrs. Pearson, you have a good many foundlings, have you? A. I have had those brought to the house.

Q. Foundling children, I mean? A. Yes, sir ; they were all foundlings.

Q. About how many? A. Well, I know eighteen.

Q. And were they an average lot of foundlings, about such as were picked up wherever they might happen to be? A. Yes.

Q. Have you any now? A. No.

Q. Have you ever had any the Board of State Charities brought in? A. No.

Q. How many of those died on your hands in five weeks? A. Not any.

Q. Your foundlings all lived. How many of them grew up?

A. Only two of them died that I know of.

Q. Only two out of eighteen.

The CHAIRMAN. I don't understand; two died, or two lived?

Gov. BUTLER. Two died out of eighteen. Oh, no, Mr. Chairman, this is not Tewksbury.

Q. Did you take more care of them than people usually take of foundlings, well-disposed people, so far as you know? Did you take any other or better care of them than people do ordinarily? A. I don't know what care other people take, but I took good care of them.

Q. You took good care of them, I have no doubt. Did you bring them up on the bottle generally? A. My nurses did.

Q. Did you put them into the hands of other people to nurse? A. Yes, sir.

Q. Where did you get these nurses? A. When I had a nurse I found them in Chelsea. Sometimes I gave them away without nursing.

Q. Where did you have them; in what institution? Did you have them in any institution? A. No, sir.

Q. Had them at your own home? A. At my own house.

Q. And how many did you have at a time there? A. One at a time.

Q. Didn't you ever happen to have more than one at a time? A. No, sir.

Q. I didn't know but they might bring in three or four. And extended over what period of years? A. The time I was missionary.

Q. You seem to have been a very good woman to them and treated them very well and kindly. Do you know any especial reason why a foundling child won't live as well as any other child? A. Yes, sir.

Q. Well, why? A. In the first place they are not wanted, and don't have any love.

Q. What? A. They don't have much love for them; a child wants love, I think.

Q. They are not wanted? A. They are not wanted to live.

Q. I understand; but after they have been left one side to be taken care of by others, the wants and don't wants have passed away, haven't they? That don't have any effect upon

them after they get into your hands? A. It is owing to whether they are in loving hands or not.

Q. When they get into loving hands they are all right? A. Yes.

Q. Yes. Now, we will take a case. Here is a young mother, a young, vigorous mother, and here is a young father, and they have a child, an illegitimate child, and they lay it on some kind person's doorstep; and, then, that person can't take care of it and sends it to you. Now, do you know any reason why that child, the child of young parents and healthy, should not live, if it didn't get frozen on the way, and no harm happens to it, as well as any other child? A. They are almost always drugged, so that has an influence on them.

Q. When they are drugged. How many of those that you received were drugged? A. I think most of them were.

Q. What? A. Most of them were, except those I took out of their mothers' hands.

Q. Most of them were, except what you took out of the mothers' hands; but you managed to bring them all up. Which were those that died, the drugged ones or the ones that weren't? The two that died, were they drugged? A. Yes, sir.

Q. How long did they live? A. I could not tell you now; I kept no record of it.

Q. Weeks or months? A. Weeks, surely.

Q. Weeks, surely. Did you get them when they were very young? A. Yes.

Q. Get them a day or two old, sometimes? A. Four or five hours.

Q. You had remarkably good success. Sixteen out of eighteen is a good deal better than none out of seventy-one. Well, you never sent but one to Tewksbury? A. I carried for the overseers of the poor; I had nothing to do with them, but the one I carried up.

Q. One you carried up. A. A foundling.

Q. What? A. A foundling.

Q. Any particular disease with it? A. No.

Q. Was that an average foundling? A. I think it was.

Q. Do you remember the name? A. It had no name; I named it.

Q. You named it? A. They named it at Tewksbury.

Q. What did they name it at Tewksbury? A. William Pearson.

Q. Now, let us find William Pearson. We will find what happened to him. You don't know whether he lived or died?
A. No.

Q. And never inquired? A. No.

Q. Never had interest enough in William. What date was it, about? A. It was since 1878; I think it might be 1879.

Q. 1879 or 1880; but, don't you know they stopped taking foundlings up to Tewksbury because they all died, sometime about 1880? A. Yes.

Q. Was it before or after that? A. It was before.

Q. All right; now we have got it right down to the point, you see; and about how long before? A. I could not tell you. They were always sorry when I brought one there, they told me.

Q. What? A. They were always sorry when I brought one there.

Q. I didn't quite get what you said. A. They always told me they were sorry when I brought one.

Q. They always told you they were sorry; why? Because it was sure to die? Wasn't that the reason they gave? A. I can't tell you, sir.

Q. Didn't you ask, what are you sorry for? That is what you are here for, to take care of foundling children, and the State has got this institution and puts you here and keeps you; and pays you; why are you sorry? Didn't you ask them that?
A. No, sir.

Q. They always told you they were sorry. Now, didn't you ask them why they were sorry? A. No.

Q. And you didn't have any idea why they were sorry? A. Yes, I did; I supposed it was because they didn't have so good care there as if they were adopted; that is my idea.

Q. Why shouldn't they have just as good care with the whole State of Massachusetts behind them to take care of them?
A. I understood that poor people that were sent there had to take care of them, and I supposed they wouldn't love them as they did their own.

Q. Wouldn't love them as they did their own. Other people, when they adopt them, don't generally love them as they do their own, quite? A. No.

Q. And you didn't love them any better than your own? You have had children of your own, I hope? A. No, sir.

Q. Have not. Then you don't know what the difference in

the love would have been. You loved yours and took care of them, those you had in your hands, and took excellent care of them, madam, to your credit be it spoken, a larger percentage than I have ever known, you saved of lives, and for which you deserve commendation, so far as I am concerned. Now, madam, I want to know further about these children. Were they always the children of poor people, apparently, by their dress? A. Not always.

Q. Some had good dresses on, good clothing, showing that somebody had a little care in preparation: a little inserting and a little lace, and little things of that sort? Sometimes nicely and warmly done up when they were left? A. Sometimes.

Q. Sometimes: and sometimes they were not. Which do you think most frequently, — that they were? A. Were not.

Q. Now, I am very much obliged to you for all this, I assure you. Now, madam, we will come to Eva Bowen. Prior to her being in this room, — who was the judge, in the first place? A. It was in Boston.

Q. Well, Boston is considerable of a village: what street?

A. I have the impression, sir, it was on Washington Street.

Q. Who was there besides you and Eva, and the person that brought in Eva: I suppose some officer came with her, or somebody, and Mr. and Mrs. Bowen? A. No one else.

Q. There was a judge there, wasn't there? A. I think there was a judge.

Q. Judge who? A. I can't tell you his name, sir.

Q. Ever seen him before? A. I could not say.

Q. Was there any testimony taken? A. She pled guilty.

Q. Pled guilty to what? A. When he read to her what the complaint was against her she said, guilty.

Q. That was for disobedience, wasn't it? A. Yes, sir.

Q. What act of disobedience had you ever seen her do? · · William Pearson, three months old." [Referring to the Tewksbury register.] Is that about it? A. That is what they judged.

Q. · · 3-12 months, unknown, comes from Chelsea, foundling, May 17, 1879, found at 44 Williams Street." That was so, was it? A. Yes.

Q. How long had you had it? A. I kept it one night.

Q. What? A. I kept it one night.

Q. Then, it was a three months old child, and you kept it

one night; and it was an ordinary foundling, as to health; and it came in here, by this record, on the twenty-sixth of April, and was dead on the seventeenth of May. Now, let us try any more you carried there. When, did you carry the other? A. I don't remember, sir.

Q. About when? A. It was before this.

Q. How long before? A. I could not tell you, sir; it was some time.

Q. Can you give me the name of those you carried? A. No; I didn't write them down, because they were not my children; the overseer or the city marshal would send for me.

Q. The overseers of the poor wanted you to take them up there? A. Yes; they wanted me to take the child up.

Q. Because you were a kindly person, and they wanted you to take care of them; and you did take very good care of them, and they were well and comfortable, so far as you know, when you left them. A. The other children I carried were miserable looking children.

Q. Well, Pearson was all right? A. Yes.

Q. But these others were miserable looking children. Don't you know the names? A. No; I had nothing to do about it. The names were on the paper; the overseers of the poor would give me a paper, and I handed it to Captain Marsh.

Q. Can't you tell me, so I can look it up? A. No, I can't; if I could, I would.

Q. Now, then, when you got up there, into what room did you go? A. I went into the office.

Q. That is one. What was the next one? A. I went around into the yard. I don't know what rooms they were. They were where the poor people were, men and women.

Q. How long did you stay there in that institution? A. When I would go up, I would arrive there somewhere near twelve, and I don't know whether I would leave at two or three; but whenever the train came back on the Lowell road.

Q. In the meantime, you would get your dinner, of course? Now, did you ever step inside of this foundling hospital? A. I did not, sir.

Q. How near the door were you at any time? A. I was at the door, and looked in.

Q. How long did you stay there, looking in? A. Not long.

Q. Just a moment. Did you go into the insane ward? A. No.

Q. Did you go into the hospital ward where the sick were? A. I think I did, sir.

Q. How long did you stay there? A. Simply walked through.

A. Did you look into any of the closets? A. No.

Q. Well, you and I have inspected buildings, a great many of them. The place to find out whether a building is well kept is in the closets? A. Well, it was not my business, sir, to inspect the closets.

Q. You simply walked through? A. And took a view of the hospital.

Q. That didn't help you much? A. It satisfied me.

Q. It satisfied you, as you hadn't any business to be there? A. It satisfied me that I had seen Tewksbury.

Q. Had what? A. Had seen Tewksbury.

Q. You looked into the foundling hospital from the door; you had walked through another hospital; you don't know whether you had been in the insane hospital — A. I know I was not in the hospital.

Q. Yes; I know you were not. And you were satisfied that you had seen Tewksbury. Hadn't been in the kitchen; hadn't been in the dining-room; didn't know how they lived; didn't know whether they had anything to eat except from Capt. Marsh's table, and you were satisfied that you had seen Tewksbury? A. Yes, I was.

Q. And you are brought here to tell what sort of an institution it is? A. No; I was not brought here for that; I don't know what I was brought here for.

Q. Now, we will go back to Eva Bowen. How long have you known Mr. Bowen? A. Since 1850.

Q. Had he a former wife? A. No, sir; lived with this same one.

Q. Has he ever had more than one wife? A. I think not.

Q. He was living with this one, and he lived in Chelsea? A. In Addison, Me., at that time.

Q. You knew him when he was in Maine, and this woman was in Maine? A. Yes, sir.

Q. Were you present at the marriage? A. No; they were old people. They were a good deal older people than I am.

Q. About how old is Mrs. Bowen? A. I don't know.

Q. Don't know. And yet a good deal older than you are. Twenty years? A. No; I think not.

Q. Well, now, madam, tell me, not what she said, but tell me what act you ever saw Mrs. Bowen do for or against Eva after she left that room where there was a supposed judge. A. I told you I didn't know what she did.

Q. Pardon me; I don't care what you told me; I want you now to tell me. Tell me any act you know she did for or against Eva. A. I don't know of any.

Q. Very well. Tell me any act that you know that she did either for or against her before that day, that you saw her do. A. I saw her making infant clothes, and wrappers and things for her after she was carried to Oak Place.

Q. Making infant clothes? A. And wrappers for Eva, to make her comfortable.

Q. That was before she went there? A. When she was there, and before the babe was born.

Q. Was her babe born at Oak Place? A. It was.

Q. And that you saw. You saw her making wrappers for her infant that was to be. Any other? A. No.

Q. Very well. Now, then, why did you tell Mr. Brown here that she always acted kindly toward her, if you never saw any kind act after she went to Dedham? A. Well, I was not to say what she said.

Q. I know you were not. Now, see, madam, where we are. You were asked if you ever knew her to do anything, and you said you did not? A. Yes, sir.

Q. After she left for Dedham. You said that you did not. Then Mr. Brown was not quite satisfied, and wanted to know if you did not want to change your answer, and you said she always acted kindly toward her. Now you say you never saw her do any act. What did you tuck that in for — acted kindly? A. Well, when she was speaking of her; that is what I meant by it.

Q. Then you wanted to put in what she said under the pretence of putting in what she did? A. I did not know any other way. It showed that she thought kindly of her.

Q. You were determined to have it in anyhow, weren't you; because you did put it in? A. I didn't care whether it was in or not.

A. You cared enough to put it in, when you knew you ought not to, and when you were told you ought not to. You cared

enough for that, didn't you? Now, madam, let us see about Eva. How old was Eva when you first knew her? A. I think she might have been eleven or twelve.

Q. Was that before or after Mr. Bowen had adopted her? A. Oh, after.

Q. Did Mr. Bowen ever tell you who her mother was? A. He never did.

Q. Did he say anything, whether he knew who she was or not? A. He never did.

Q. She was eleven or twelve years old, and she went and did—how old was she when she had this misfortune? A. Well, I think she was in her sixteenth year.

Q. In her sixteenth year. And now, madam, she had been to school in Chelsea, and been taking music lessons? A. Yes, sir.

Q. And had been to the Boston Art School, or had been at the Normal Art School? A. Yes, sir.

Q. And was it while she was at the Normal Art School that this trouble happened to her? A. I suppose it was.

Q. And somebody had taken her away, and when you came back from your vacation her father came to you about her having gone. Now, then, did you see her again until you saw her at the court-room? A. I did.

Q. Where did you see her? A. In Boston.

Q. Did you go to find her? A. I did.

Q. Now, what act of disobedience do you know she committed—not what was told you by anybody else? A. I know that she would not go home at the request of her father.

Q. How do you know that? A. She said she would not; she told me so.

Q. She told you she would not go home. Was she then with child? A. Yes.

Q. After she was with child? A. No; not after.

Q. Before she was with child? A. No; before she had her child.

Q. I understand; I take it there is a period, which covers some months, when a person is in such condition that she is supposed to have a child, though it has not been born. Now, was that her condition when she refused to go home? A. Yes, sir.

Q. And was her father there? A. No.

Q. You told her that her father wanted her to go home? A.

I told her I had come at her father's request to find her and bring her home to Chelsea.

Q. What did she say? Did her father come after her? A. No.

Q. She said she would not go with him at any rate? A. Yes, sir.

Q. Was that what she said? A. She didn't say much.

Q. Was that the substance of what she said? A. No, sir.

Q. Do you know of her father going to her? A. I went for her father. Her father didn't know where she was, and I went and hunted her up.

Q. After you found her? A. After I took her to Oak Place her father went.

Q. She would not go with him, but she would go with you to Oak Place? A. I told her I should stay until she did go, and of the two evils she chose the least.

Q. She would rather go pretty much anywhere rather than have you stay there; and so you went with her to Oak Place? A. I did.

Q. Did her father go? A. No.

Q. She was willing to go to Oak Place, but she was not willing to go home? A. She was not willing. I told her I had a good place; I did not tell her where.

Q. Did you tell her you were going to take her home at all? A. I did not.

Q. Then she had not disobeyed her father? A. He wanted me to find her. She was disobedient.

Q. How was she disobedient if you only asked her to go with you to Oak Place? Where was she disobedient? You never asked her to go to her father; you wanted her to go to Oak Place. A. I went after her to take her home. She would not go. She was disobedient in that respect, to her father's request.

Q. You went after her to take her home? Did her father tell you to bring her to his house? A. He told me to go and find her.

Q. That is what I have understood. Now, think a little. Did her father tell you to go and bring her to his house? Now, that is a direct question. Yes, or no, if you please. A. I don't remember, sir.

Q. Have you ever remembered whether he did or not? A. I have told you.

Q. Don't you know that he did not tell you to bring her to his house? A. No; I do not.

Q. Do you know that he did? — Do you know that he did? A. I have told you, sir, I could not remember.

Q. Then you don't know that he did? Don't you know that you went after her to find her, and then you insisted that she should go, not to his home, but that she should go somewhere with you, to that Oak Place that you were going to take her to. Was not that what you wanted her to do? A. I usually took such girls to my home, but I could not on account of sickness; and I took her there as the next best place.

Q. I don't care about that. That was all well enough. If it hadn't been for sickness you would have taken her to your own home? A. I should, sir.

Q. But not to her father's? Not to her father's? And you did take her to Oak Place? Well, now, she went to Oak Place, and her father was very kind to her, saw that she was well provided for, and spoke kindly and well of her? A. Yes, sir.

Q. Spoke of her as he would of a prodigal son, a sort of lost child to him? A. Not then.

Q. It was all kindness then? A. Always was.

Q. Then why not then? She had gone evidently and fed on husks at that time. Now, didn't he speak kindly of her then? A. Always spoke kindly.

Q. Then he did then? A. Yes, certainly.

Q. And then he was very kind and always talked with you very kindly up to the day of his death: that was so, was it not? A. All but this being disobedient.

Q. Well, that was when you went to the court-room. A. It was after she left Oak Place. She would not obey him.

Q. Well, he was kind to her? I don't ask whether she behaved well, I am only asking about his feelings: they were the feelings of a father? A. Of a father, sir.

Q. And he spoke of her with tears in his eyes? A. Always.

Q. Tears of kindness and regret at her course. Now, when was it that he told you he would change his will? A. He told me that he should change it.

Q. When? How long before he died? A. I could not tell you, sir; but it was after she left Oak Place.

Q. Well, of course it was after she left Oak Place. How

long did he die after she left Oak Place? A. I don't understand your question, sir.

Q. How long before he died after she left Oak Place? A. He died, I suppose, while she was at Tewksbury; I don't remember the exact time, sir.

Q. He died while she was at Tewksbury? A. I think so.

Q. Now he died while Eva was at Tewksbury? A. I say I think so; I don't remember, sir.

Q. Didn't I understand you to say that you didn't understand she was at Tewksbury until you heard of it in this investigation? A. Yes, sir.

Q. Then you didn't know the fact about Eva, and the father didn't confide the fact to you? A. He had another lady taking care of her then.

Q. What? A. There was another lady looking after her at that time.

Q. Well, he didn't let you know enough about her to know even that she had gone to Tewksbury? A. No, sir.

Q. Then, if there was another lady looking after her, how came he to be confidential about his will? Were you in his confidence? A. I thought I was, sir.

Q. Won't you begin and give me that conversation. How long was it before he died? A. I think it was before she went to Dedham.

Q. A little before she went to Dedham? A. I think it was. I don't know whether he changed his will or not.

Q. No, no; I know when he made his will, but I want to know — we had never before known of his going to change his will before going to Dedham? A. I said I thought so; I don't know the time.

Q. What time will you swear to? A. I won't swear to any time.

Q. Tell me when it was? A. I have got no time for it.

Q. Where was it that he told you he was going to change it? A. At his house.

Q. Who was there? A. He and I were alone in the parlor when he made that remark to me.

Q. Well, could you tell me all the conversation? A. I could not remember anything else, sir; it was about Eva, probably.

Q. Do you remember anything else? A. No.

Q. You don't know what went before or after that? A.

No, sir; only talk about the man that led her astray — that he had seen him.

Q. Did he tell you his name? A. He did, but I have forgotten it, sir.

Q. Oh, you have? That is inconvenient. A. I don't want to remember such things.

Q. I know you don't want to, and that is the reason why you have forgotten it. Now, then, madam, I should like to know the name of that man. You know it perfectly? A. I do not, sir.

Q. When did you forget it? A. At once.

Q. You forgot it within five minutes after you heard it? A. Probably.

Q. Probably. Don't you know? A. No; I do not.

Q. And you forgot it then just as much as you have forgotten it now? Did you forget it then just as much as you forget it now? A. I think I did. I never have called up the name since.

Q. I don't ask if you called it up; you had forgotten it within five or ten minutes? A. The name didn't concern me; it was only a circumstance.

Q. Why, yes; it might concern you to know whether Eva was misled by a man older than herself, or a man of some celebrity? A. Yes; that did.

Q. Now, was this man, whoever he was, a man of some celebrity? A. He was, as Mr. Bowen told me.

Q. Rather a well-known name in Boston? A. I think it was.

Q. Don't you know it was? A. By what he told me that was the fact.

Q. Clear up to the top? A. I cannot say, sir.

Q. Pretty near? You and I both know who it was? A. I don't know, sir.

Know who Mr. Bowen thought it was. Clear up to the top, now, madam? A. I think not.

Q. Well, who higher? A. The governor.

Q. The only person above him was the governor; that is right. Fortunately I was not governor then. Well, now the president would have been higher still, wouldn't he? A. With some.

Q. And, if he had been of the same name as the president, then it would have been some one higher than the governor,

wouldn't it? Think a moment, madam? A. I don't know your meaning.

Q. If the name of the man had been the same as the name of the president, you might have thought it was some one higher than the governor, might you not? A. I don't quite get it.

Q. I know; but a man having his name, that same name — well, you believed Mr. Bowen, didn't you? A. Yes, sir.

Q. And he thought that man would be likely to lead her away. Did he say whether that man had any money? Oh, don't laugh at me, but tell me. A. I am not laughing, sir.

Q. You are laughing in the face, anyhow. A. He said the man was a man of influence.

Q. Did he say he had any money? A. I don't think he did.

Q. What? A. I don't think he did say anything about the money business.

Q. But a man of influence and standing — high standing? High standing, was it not? A. I don't know anything about how high he was.

Q. I don't mean high in stature, I mean high standing. You know what I mean? A. The world thought him so.

Q. But Mr. Bowen, when he had seduced his daughter, didn't think his standing was as good as it ought to be? Now, did he tell you where he lived? Do you want me to name the street? A. I don't know the street, sir.

Q. Did he tell you where the street was? A. No; he did not.

Q. Didn't you know, when he told you who the man was where the street was? A. I did not.

Q. Now, when he told you this about this man, and he was afraid he would have influence enough on her to lead her away, was that the time that he said he thought that he would change his will? A. It was about that time.

Q. Was it in the same conversation? A. I cannot tell you; I don't think it was.

Q. Whether before that Dedham transaction, before Eva went to Tewksbury? A. I never knew she was in Tewksbury.

Q. I know. We know she didn't go to Tewksbury until after she went to Dedham. Was this all before the court — the

time of the court? A. I cannot tell you, because I don't know.

Q. You don't know? Did he say that he had been to see that man? A. He did.

Q. Did he say whether he denied it or not? A. He didn't deny it.

Q. He didn't deny it; he owned up. I have asked you of his standing: was that man of high political standing? A. I don't know.

Q. Didn't you know of him? A. No; I didn't know of him. Mr. Bowen told me about him.

Q. And when Mr. Bowen told you, hadn't you ever heard of him before? Hadn't you heard of him before? A. I never heard of him as a politician.

Q. Was Mrs. Bowen there when this was told you? A. No.

Q. Did you ever talk it over with Mrs. Bowen? A. No.

Q. Did she ever talk it over with you? A. No; not a word.

Q. Did you ever tell Mrs. Bowen that he thought of changing his will? A. No, sir.

Q. Did you ever tell it to anybody as you have told it here? A. No.

Q. Never told it to mortal man or woman until you have told it here on the stand, that he thought of changing his will?

A. I might have spoken to Mr. Brown; I think I did.

Q. Pardon me; you told us you meant that this conversation should go down to the grave with you? A. Well, where I found her, that was the conversation.

Q. Where did you find her? Now, I want that, because she has told? A. I found her among the colored people.

Q. No particular harm in that, was there, anything more than to find her anywhere else that she ought not to have been? Was that the great secret that was to go down to the grave, that she was found among colored people? A. It was the finding her, and the circumstances of it, that I didn't want known. I never knew that she had become so that she would hide away.

Q. That is to say, this is the condition of things, as I understand it: Some man of high standing and influence had seduced this poor girl of fifteen, this Sabbath school scholar of fifteen, and she had fled, for some reason, her father's house

and got among the colored people, and that was not to be known; that was it, was it not? A. That was it.

Q. Well, they didn't want it known among their friends. He felt the disgrace very deeply, didn't he? A. They all did.

Q. Leave out the rest. And his wife felt it very deeply? A. She did, sir.

Q. She felt that the whole family had been disgraced by this girl. And all this sending her away was to keep it so that it should not be known? A. They didn't send her away; she went away herself from home.

Q. I understand that. But this sending her away, taking her away to Oak Place and over to Dedham: all that was in order that it might not be known, was it not? A. All that I did I did on my judgment, that the poor girl's character might not be exposed.

Q. And you did the best you could, on your own judgment, that the thing might not be exposed? A. To save the girl.

Q. And they concurred in your judgment, didn't they, that this was the best thing to do — Mr. and Mrs. Bowen? A. Of course they felt my judgment was good or they would not have asked me to look her up.

Q. And they asked you to take charge of the matter. Well, and they always spoke of this as a deep disgrace, didn't they? A. They didn't talk much about it with me.

Q. I thought Mr. Bowen talked with you a good deal about it down to the day of his death? A. He would speak her name and then go to weeping.

Q. Well, she was a very pretty child, wasn't she? A. Very.

Q. And a very engaging child? A. Very.

Q. And a very affectionate child? A. I don't know anything about that.

Q. So far as you know? A. I don't know anything to the contrary.

Q. She was a very good child as a child? A. I could not tell. She always appeared well when I was at the house.

Q. And was a regular attendant upon church and Sabbath school. Have you heard her name mentioned since her father died by anybody until it came up in this investigation? A. I have heard them speak of Eva at the house.

Q. But otherwise than that. Have you ever heard her name mentioned otherwise than that? A. Yes; I think people has asked me if I knew where Eva Bowen was.

Q. Who? A. Citizens of Chelsea.

Q. And you told them? A. That I did not.

Q. Now, madam, I want to ask you this: When did the people of Chelsea first begin to ask you about it? A. About where she was?

Q. Yes. A. From the time she was missing.

Q. She went away, and where she went nobody knew, did they, so far as you knew? A. Well, I heard before I went searching for her, that she was at Lyman Place; that is all.

Q. And is that the only going away you knew about? A. That is the first going away I knew about.

Q. Now, did anybody else know where she went to when she went from the Consumptives' Home? A. I never knew she was at the Consumptives' Home until I saw it in the newspapers.

Q. You don't seem to know much about it. It was this other lady that had her in charge? A. Probably she will be here. I cannot tell her name. I know her, but I cannot tell her name.

Q. She will probably be here. How shall I know her, if you cannot tell me her name? A. I don't know, unless Mr. Brown can tell you.

Q. Oh, Brown knows. How do you know he knows; did he tell you? A. No; he didn't tell me.

Q. Did you tell him? A. No; I think not.

Q. Then how do you know he knows it? A. I was told so.

Q. What? A. I was told she would be here.

Q. Who told you that? A. A gentleman here present.

Q. Mr. Sargent? A. Yes, sir.

Q. When was that? A. It might have been Friday.

Q. It might have been Tuesday. A. No; I have not had any talk with Mr. Sargent on Tuesday.

Q. I know; but you might have had. Was it on Friday? A. I think it was.

Q. Now, can you tell me any way I can find out that woman's name that you have forgotten? A. No, sir; I could not, honestly.

MR. BROWN. You haven't asked me?

GOV. BUTLER. What?

MR. BROWN. You haven't asked me.

GOV. BUTLER. When I want information I always ask it of those that I suppose will tell me correctly.

Mr. BROWN. That is the reason why you ask me so many questions, I suppose.

Q. Well, madam, I don't think I shall have to trouble you any more except — do you know of any other foundlings being anywhere else about the city in your missionary labors? A. Any foundlings in Chelsea?

Q. Anywhere about the city, boarding out in Chelsea or elsewhere? A. I have known; I don't know now.

Q. Have you known them? A. I have.

Q. (By Mr. BROWN.) I want to ask you one question. You spoke about Lyman Place. Did you find her at Lyman Place? A. No; I did not.

Q. What street and number was it where you found her? A. I could not tell you the number of the street.

Q. Near the State House? A. It was in the West End; on what was called "Negro Hill."

Q. "Negro Hill?" A. Up on the high land.

Q. Did she tell you what she was there for? A. She did not.

TESTIMONY OF ALCINA THOMPSON (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Alcina Thompson.

Q. And where do you live? A. I am in Boston for the present, and for two years past.

Q. What is your address? A. Twenty-seven Yarmouth Street.

Q. Did you ever know Mary Eva Bowen? A. I did.

Q. When did you know her? A. She came to Dedham in 1875.

Q. At what institution, if any? What was the name of the institution? A. Dedham Asylum for Discharged Female Prisoners.

Q. What was your connection with that institution at that time? A. I was matron of the nursery department, — the mothers and the babies.

Q. How long had you been matron of the nursery department? A. Do you mean before she came?

Q. Before she came? A. I went there in January, — the sixth of January, the same year, 1875.

Q. How long did you remain? A. I was there between five and six years.

Q. Always in the same capacity? A. Yes, sir.

Q. Do you recollect what time in the year it was that Eva Bowen came to the institution, in 1875? A. She came there the last of April or the first of May. I think her child was four weeks old when she came; I am not certain; it was either four or six, but I think four weeks.

Q. Did she have the child with her? A. She did. Her father brought the child with her.

Q. He came with her and brought the child with her. A. Yes, sir; came with her and brought the child with her.

Q. How long did she remain there at that time? A. She went to Tewksbury, — I am not quite certain, but I think it was in July.

Q. You think she went to Tewksbury in July? A. July or August.

Q. Well, from the time when she came there, the last of April or the first of May, whichever it was, she remained there continuously till she went to Tewksbury? A. Yes.

Gov. BUTLER. She had been to Tewksbury before that.

Mr. BROWN. No; not before that. She had been in the Oak Place Home.

Gov. BUTLER. "Oh, yes; the Oak Place Home.

Mr. BROWN. So you do depend on me for accurate information.

Gov. BUTLER. No, sir; anything that everybody knows.

Mr. BROWN. Simply those things you forget.

Q. Now, Miss Thompson, did she return again to Dedham, to your institution, after she went to Tewksbury? A. She did.

Q. And when did she return? A. Sometime in November; the last of November.

Q. Sometime in November of the same year? A. Yes, sir.

Q. How long did she remain there at Dedham after she returned in November, 1875? A. I can't tell; but not very long.

Q. Not very long. Was she in your department after she returned? A. No, sir; she was not.

Q. Who had charge of the department in which she was after her return? A. Miss Tolman.

Q. Miss Tolman, the head matron. Was Eva Bowen sick at that institution at Dedham? A. She was.

Q. What was the matter with her? A. She had syphilis.

Q. Did she have syphilis at the time she was at the institution? A. She did.

Q. Did her child have syphilis at the institution? A. Not that I know of; but she had it after she went to Tewksbury.

Q. Did you ever visit Tewksbury? A. I did.

Gov. BUTLER. She had syphilis after she went to Tewksbury, — who?

Mr. BROWN. The child did.

Gov. BUTLER. The child did; yes.

Q. When did you visit Tewksbury, if at all? A. I went to see Eva while she was there. I don't know how long she had been there, but I went to see her, and then I went and brought her back to Dedham again.

Q. After the death of her child, was that? A. Yes, sir; I went the day after her child was buried to see her.

Q. Did you have any conversation with Eva Bowen at the time you went to bring her back to Dedham, after the death of her child, in regard to the child? A. I did.

Q. State fully what it was.

Gov. BUTLER. I object. She was not inquired of about the conversation.

Mr. BROWN. It was not necessary she should be.

Gov. BUTLER. Oh, yes, sir.

Mr. BROWN. I beg your pardon. That is the rule you announced, early in this hearing, prevailed in the United States Court but didn't prevail here.

Gov. BUTLER. Oh, I know. It is not necessary to inquire whether it was had by a certain person, but the matter must be inquired about.

Mr. BROWN. Not at all.

Gov. BUTLER. The difference is this —

Mr. BROWN. Very well; I will accept your proposition. I did inquire about it, and I propose to show by this witness, — this woman says her child was killed by the people at the institution; I propose to show that this woman stated to this witness that her child died of syphilis at the institution.

Gov. BUTLER. I don't see the difference between the two propositions, not a bit. You can kill a person by giving them syphilis as well as you can by giving them arsenic.

Mr. BROWN. Yes; but I shall show that Eva Bowen said the child took the disease from her.

Gov. BUTLER. I can't tell what you will show by this woman, but I will find out before you get through.

The CHAIRMAN. All in favor of admitting the question manifest it by raising their hands.

Gov. BUTLER. We will have it; I know an antidote for it.

Q. Now, did you have a conversation with Eva Bowen with regard to her child? A. I did.

Q. I want you to tell the committee what it was; all about it.

Gov. BUTLER. Speak up loud, now, so we can all hear.

A. Just the words that were said?

Q. As near as you can the words, and where you can't tell the words give us the substance. A. I will tell it just the same as I would if my own sister told me the things. I know I asked for the child, — I went there the day after the child was buried, — she said, “Freddie is dead.” I asked her, “What was the matter with the little fellow?” she said, “He took my disease and died with it.”

Q. Well, state fully what else she said. A. About the child? I think that was all she said about the child. — said he became very much emaciated and came out in sores all over.

Q. Anything else that you recollect? A. I don't think of anything else; yet there might be something else.

Q. Did you have any conversation with her in regard to her treatment at Tewksbury? A. Yes: of herself and of her child.

Q. Now, state fully what she said with regard to the manner in which she had been treated at Tewksbury? A. She was in the female hospital; I asked her if she had good care and treatment, and she told me she had. I asked her if the child was well cared for, and she said it was. She said Dr. Nellie Marsh treated her. I saw Nellie Marsh and talked with her.

Q. Did you see Dr. Nellie Marsh at the time of that visit? A. I did.

Q. Did you ever, at any time, while you had any relation with Eva Bowen, hear her speak of any bad treatment, or unkind treatment, or lack of proper treatment at Tewksbury, for herself and child? A. I never did.

Q. Who was the physician at the institution at Dedham, when she was first there? A. Our asylum physician was Dr. — we changed physicians, — wait a moment and I can tell you, — Burgess, Dr. Burgess; he went to Europe and died. Then

we had Dr. Southgate, afterwards, but when she was there we had Dr. Burgess from Dedham.

Q. Was there any other physician except Dr. Burgess? A. There was a woman came out from the New England Hospital, and examined Eva, before she went to Tewksbury.

Q. Do you know who she was? A. I think her name was Buckle, but I am not certain; Dr. Buckle.

Q. Do you know where she is now? A. I think she is abroad or West; I am not sure about that.

Q. Did you ever hear of her in any other place except abroad or West? A. She went somewhere I think.

Q. Can you tell where she went? A. No; I cannot.

Q. Let me ask you this question: Did she go to California, —San Francisco? A. I don't know; she went away; I could not tell you where she did go.

Q. Now, when Eva Bowen was sick with syphilis before she went to Tewksbury, I want you to tell us how sick she was.

Gov. BUTLER. Does she say she was sick before she went?

Mr. BROWN. Yes.

A. She was sick from the time she came to the home.

Q. Did she have syphilis at the time she entered the Dedham home? A. She did; and she told me they knew it at Oak Place.

Q. (By Gov. BUTLER.) Won't you repeat that? A. She told me they knew she had it at Oak Place; I asked her if they didn't know it, and she said they did; that the nurse knew it.

Q. (By Mr. BROWN.) Did she say who the nurse was? A. She did not.

Q. Was she very sick while she was there at the Dedham home? A. She wasn't sick in bed; she used to go over to the sewing-room through the day and sew, and come home through the afternoons and lie down; sometimes she would come over in the forenoons and lie down.

Q. Was she nursing her child during that period? A. She was.

Q. What was the matter with her after her return from Tewksbury, if anything? A. What do you mean; her health?

Q. Yes; was her health good? A. Her health was better.

Q. Was there anything the matter with her? A. Not that I know of; no.

Q. Had she recovered from the syphilis? A. I suppose

she had recovered from it as much as anybody ever does ; she was able to be about.

Q. At work? A. Yes, sir.

Q. No sores or anything of that kind to call it to your attention? A. No, sir.

Q. Did she say anything special in regard to the treatment of that disease she had received at Tewksbury? A. She did not.

Q. Do you recollect whether she said anything about recovering while she was at Tewksbury? A. I know when I went to visit her she wanted to go back with me to Dedham, and I told her if she was in a fit condition to go back I would take her back, but the managers didn't wish her to come back till she was cured.

Q. Did you make two visits to Tewksbury? A. I visited her and then brought her back.

Q. When was the visit which you made at the time you went for her? A. As I said before, I can't tell, but it was after she had been there awhile.

Q. Did you go into the hospital where she was? A. I did.

Q. And see her? A. I did.

Q. How long did you remain with her? A. I think I stayed with her over two hours.

Q. Two hours? A. Yes, sir.

Q. Were there other children in the same hospital, other women with children, do you recollect? A. This was not the children's hospital ; this was for the women, but I think there was a woman sick in bed who had one child with her, — a small child.

Q. Do you recollect any others? A. No, sir ; no other children.

Q. Now, then, at that interview did you have any conversation with Eva with regard to her treatment, care? A. Yes, sir ; that is the time I asked her.

Q. Then, take the second interview, the one in November ; did you have a conversation with her with regard to her treatment? A. No ; because I took her back with me ; I only went for her and took her back.

Q. Just simply went for her. A. Yes ; they wrote me they thought she was able to come back, and I went for her and brought her back to Dedham.

Q. She was there at the institution at Dedham after she returned in November ; she was there till what time, do you

recollect? A. I don't know how long she did stay; she stayed till she went to the Consumptives' Home.

Q. You don't remember when that was? A. No, I don't; but it is set down on the book at Dedham, all of it.

Q. Do you know what was the reputation of Eva Bowen for truth and veracity? A. It is bad, I believe. .

Q. You did know it? A. Yes.

Q. What was it? A. For truth?

Q. For truth and veracity. A. She was very untruthful in a great many things.

Q. Was that her reputation? A. Yes, sir; it was.

Q. Who did you ever hear talk about it? A. I heard her father say so when he brought her; and Miss Tolman, the matron, said so, and another matron at Oak Place.

Q. What was her name? A. Mrs. Stevens was the matron there then.

Q. You heard her say so? A. Yes, sir.

Q. Who else? A. I don't know as I remember anybody else said so, unless there might be some inside the home found she didn't tell the truth when talking with her; I don't know.

Cross-examination by Gov. Butler.

Q. Where is your native place, madam? A. My native place is New Hampshire.

Q. What town? Q. Pembroke, New Hampshire.

Q. Pembroke? A. Yes, sir.

Q. When were you born? A. That isn't necessary, is it?

Mr. BROWN. Perfectly proper.

The WITNESS. I don't wish to answer that question.

Q. But you will; when were you born, madam? A. 1843.

Q. When did you leave New Hampshire to come to Massachusetts? A. I have been in Massachusetts eight or ten, — yes, more than that; ten years or more.

Q. Did you come directly from New Hampshire to Massachusetts? A. I did.

Q. Where did you go? A. I went to Lancaster, to the State Industrial School for Girls. I was matron there two years and a half, — about that time.

Q. Matron at what? A. Lancaster State Industrial School for Girls at Lancaster.

Q. Yes; I know where it is. Matron there two years and a half? A. About that time, I think.

Q. And about what time did you go there? A. Go where; Lancaster?

Q. Yes. A. Well, I don't remember the year.

Q. About when? A. About ten or eleven years ago, I think.

Q. That would be 1872 or 1873. A. I guess it must have been later than that; I don't know; I am not certain about it.

Q. 1875 or 1876? A. It was not 1876, because I came away in 1875 and went to Dedham: 1873 I guess it was.

Q. Went to Dedham in 1875; what time in 1875? A. The sixth of January.

Q. Sixth of January, 1875; and you had been two years and a half at Lancaster; under your present name? A. What say?

Q. Under the same name; the same name you have now? A. Yes, sir.

Q. And you were matron there? A. Yes, sir.

Q. Have you ever been married? A. No, sir.

Q. Not at that time nor since? A. What say?

Q. Not at that time nor since? A. No, sir.

Q. You had been there about two years and a half before this? A. I think so.

Q. And then you went to Dedham? A. Yes.

Q. And what were you at Dedham? A. I was the nursery matron.

Q. What? A. The nursery matron; had charge of the nursery; the mothers and the babies.

Q. Nursery matron; you knew all about nursing and the food, nursing for children and all that, did you, when you went there? A. I never had charge of children as I had there, but I knew —

Q. What? A. I never had charge of children in a nursery before.

Q. Till you got there? A. No, sir.

Q. Now, what sort of an institution is this at Dedham; a State institution? A. No, sir; private.

Q. Private institution; is it running now? A. Yes, sir.

Q. Do they keep records? A. Yes.

Q. Keep records of diseases of people that come there? A. When they come, if anything ails them, — they don't keep sick people there anyway; they send them away.

Q. Yes; but when they come there? A. Yes, sir; if they are sick.

Q. When they come there with disease they keep a record of them? A. They don't take anybody that is diseased; they don't intend to.

Q. What? A. They don't intend to take sick people if they know it.

Q. But this lady was not a discharged convict from anywhere, was she? A. I don't know; she came from Oak Place there; that is all I know about it.

A. They don't have convicts at Oak Place, do they? A. I don't know.

Q. You don't know? She came from Oak Place there, directly, and her disease was perfectly plain to everybody; they knew it at Oak Place, and you knew it as soon as you saw her? A. No, I didn't say they knew it; I say Eva said so.

Q. They could know it as well as you? A. The doctor said so after she came [to Dedham; I didn't say it; the doctor said so.

Q. The doctor said so? A. Yes, sir.

Q. But you don't say so? A. I think she had it, but I was not the one, of course, to say.

Q. Do you know whether she had it or not, yourself, leaving out what the doctor said? A. I know it as well as I know anything.

Q. As well as you know anything? A. The symptoms.

Q. She had the ordinary breaking out? A. Her mouth was very sore; for weeks she could not eat any solid food at all.

Q. Sore for a week? A. For weeks.

Q. How long had she been at Oak Place? A. I don't know; I couldn't tell you anything about that.

Q. Well, it was then in the shape of a sore mouth, and it was a week before she could eat any solid food. A. I said it was several weeks she had a sore mouth and could not eat.

Q. Could not eat? A. No solid food.

Q. Did you see any symptoms of it in the baby at that time, when she first came there? A. Nothing; only it was a very poor baby.

Q. Very poor baby? A. Unhealthy looking child.

Q. In poor health; yes. Did she nurse it all the time she was there? A. She did.

Q. Now, do you mean to say, madam, that the doctors at

that institution permitted a syphilitic mother to nurse, — with sores breaking out all over her, more or less. — to nurse her child for weeks and months? A. I didn't say that sores broke out over her; they broke out on the child after she went to Tewksbury; her mouth was sore.

Q. Her mouth was sore; yes. You knew she had a sore mouth, and you knew what the cause of it was; and yet you, as matron, and the people in that institution, allowed that mother to nurse that child for months. How long was she there, about? A. She came there the first of May, or the last of April.

Q. How long did she stay? A. She stayed till she went to Tewksbury.

Q. How long was that? A. I told the other gentleman it was in July or August, but I could not tell certainly.

Gov. BUTLER. We will see. Won't you look and see when Mary Eva Bowen came to Tewksbury?

Q. Very well. Now, it was some months, at any rate, that she was there; and she was allowed to nurse her child all the time, was she? A. She did, while she was there.

Q. She did? A. Yes, sir.

Q. And the child lived through it; and she took it to Tewksbury, did she? A. Yes, sir.

Q. Do you keep a record of people that go in? A. We do.

Q. A proper record, as far as you know? A. Well, I don't know what you call proper. When the mother came with the child we always put their name down, and where they were born, the mother's and child's.

Q. It was your business to do that? A. In the nursery department it was.

Q. What did you put down? A. The mother's name and the child's name, and where it was born.

Q. Have you seen that record lately? A. No, sir. I have not been at Dedham.

Q. Now, when she went away with the child: had she got cured before she went to Tewksbury with her child? A. No, sir; she was sent away by the managers. She was sent to Tewksbury by the managers. Her father had nothing to do about her going to Tewksbury. She was sent there by the managers.

Q. Her father was paying her board, wasn't he? A. No, sir; not a cent.

Q. What? A. Not a cent.

Q. How came she from Oak Place to Dedham? A. Her father brought her to Dedham.

Q. Brought her to Dedham; A. Yes, sir.

Q. And would not pay a cent for her? A. He would not pay her board.

Q. Never paid for her board? A. No, sir.

Q. This was a private institution? A. Yes, sir.

Q. And you expect people to pay their board if they are able? A. Yes; they work for their board. It is a sewing-room, laundry and kitchen.

Q. I understand; but an institution would not go a great while with people working for their board? A. It would not if there were not a great many Christian ladies who support it by their means.

Q. Now, madam, don't you know that the name of Eva Bowen don't appear on the books of that institution at all? A. No, sir; I don't know anything about it. I know her name is there.

Q. You know her name is there? A. Yes, sir.

Q. You know that it is there? A. Yes, sir. I put it on the book myself.

Q. What sort of a book was it? A. I don't see any here like it. It was a little small square book.

Q. [Exhibiting a book.] By a small square book you mean one like that, for instance? A. A cover like that, only not so large; perhaps two-thirds as large. When the mothers and babies were sent over to the nursery I took their names.

Q. You put the names on your book, and the disease, I suppose? A. No; there is no disease put down, because we didn't know she had it until she had been there a long while.

Q. How long? A. Until her mouth was seen to be sore.

Q. How long after she got there before her mouth began to be sore? A. It was a good while before she told me about it.

Q. About how long? A. I am sure I could not tell you, because I never supposed I should ever have to bring it up.

Q. One month? A. Yes. I should think longer than that.

Q. Two months? A. It might have been six weeks or two months.

Q. Six weeks? A. It might have been. I don't say certainly.

Q. It might not. A. After she had been there awhile.

Q. After she had been there a considerable while. Then, when she came there, there were no signs of it? A. Not that I knew of.

Q. Not that you knew of. When was the doctor called? A. After she told me she had sore mouth I sent to the managers and they came and examined her, and said she could not be admitted in any hospital in Boston, and that Tewksbury was the only place she could go to.

Q. And then she was sent to Tewksbury without the knowledge of her father, so far as you know? A. Without his sending her there. I think I wrote and told him that she had been sent to Tewksbury.

Q. Did you go with her? A. I did not.

Q. Who did? A. I think it was the sewing-room matron.

Q. Who was she? A. I cannot remember now; I am not there now.

Q. Well, try and think.

Mr. CHESTER. It is now one o'clock, and I would like to suggest that we adjourn now until to-morrow.

The CHAIRMAN. I suppose it will take some time to finish the cross-examination, Governor?

Gov. BUTLER. It will take a little time. I think there are some things to be asked about her life and conversation before we get through.

Adjourned to meet on Tuesday, May 29, at 9.30 A.M.

FORTIETH HEARING.

TUESDAY, May 29.

The Committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

TESTIMONY OF ALCINA THOMPSON.

Cross-examination by Gov. Butler (resumed).

Q. Miss Thompson, you went over with Mr. Sargent yesterday to Dedham, to look after that book, did you? A. I did.

Q. Did you find it? A. Yes, sir.

Q. The book in which you made the entry? A. Not the one I made the entry in.

Q. Well, that is the one I was talking about. You didn't find the one you made the entry in? A. No, sir; that book was from 1875 to 1877, and it was full, and the secretary took that book and gave me a new one, and it is from 1877 to 1879. The other I left at Dedham, the old book. I don't know what they did with it, and she don't know.

Q. The book was full from 1875 to 1877? A. Yes, sir. The book was there when I went there.

Q. And you put the name and all about Eva Bowen in that book, but the book cannot be found now? A. No, sir.

Q. You left it there when you went away? A. Yes, sir. This one I gave to the secretary, and she took it and carried it home, and she thought she carried it back again, but she could not remember.

Q. I don't ask what she thought, or anybody else. You left it with the officers of the asylum? A. Yes, sir.

Q. Very well. Stop there. And that cannot be found. Now the only other entry is found in the book I have summoned here. Is there any entry about Eva Bowen when she came into the asylum? A. There is.

Q. Where is it? What book is that in?

[A book was produced]

Q. Is this book kept in your handwriting? A. It was copied from my book.

Q. When was it copied? A. After I left; I don't know when.

Q. Well, let us see. In whose handwriting is this? A. Miss Hannah Chickering, founder of the home; she is dead.

Q. And you testify that this [referring to an entry in the book] is copied from your entry? A. I think it is; yes, sir.

Q. You have read it? A. I have heard it read.

Q. Do you know when this book was copied? A. No, sir: I don't.

Gov. BUTLER. Is Mrs. Whitney here?

Mr. INNIS. No, sir.

Gov. BUTLER. Where are the books we summoned?

Mr. INNIS. She will be here presently.

Q. Now this was copied from your entry, was it? A. I suppose it was.

Q. Well, pardon me; you had it read to you? A. Yes, sir. This is not just as mine was put down, because I didn't put mine down that way.

Q. Pardon me: I don't know how you put it down. You swore here yesterday that you made an entry, and now you have sworn that this is a copy of the entry. A. The lady told me it was copied, that is all I know. I didn't see it copied.

Q. But you know about it; you heard her read it. A. Yes, the lady read it to me. It is not just as it was put down on my book.

Q. Did she say she copied it? A. No, her aunt copied it.

Q. Then you have got the lady saying what her aunt said? A. She is one of the managers of the Dedham Home, sir.

Q. She may be anything in the world. Do you know anything about this entry in this book? A. I have told you all I know, and just what I know about it.

Q. You heard it read. Is this a copy of the entry made by you? A. It is not my book.

Q. I know it is not; that has disappeared. And this might have been made any day; last night for aught I know; I rather think it was. Now, then, is this a copy of the entry in your book? A. The lady told me —

Q. Leave out what other people told you. A. I don't know; I didn't see her copy it.

Q. Pardon me; you heard it read; did it read like the entry

in your book? A. No, sir; I said that it didn't. It was not put down. I will tell you just how mine was put down.

Q. You told me yesterday, and I don't want to know any more. I took care to get at it before I let you go yesterday. I didn't mean it should be changed? A. If you don't want to know any more about it that is all.

Q. I was careful, very, to get it just as you put it. I can tell you just how you put it yesterday. You put it yesterday that when she came in you made an entry as you always did, in your book. Then this is not a copy of your entry, is it? A. I don't know.

A. And this is not an original book of anybody's, that you know of? A. No, sir.

Q. Very good. Now did you see any other entry about Eva Bowen in any other book? A. I did not.

Q. Yesterday? A. I did not.

Q. Did you look for one? A. I only looked for the one I went for — my own.

Q. Did you hear any read to you but this? A. I did not.

Q. Mr. Sargent went out with you, did he? A. He did.

Q. Now, madam, about how long was it — you told us it was sometime you didn't know how long — and the first you knew that anything was the matter with Eva her mouth was sore. A. Yes, sir.

Q. Raw? A. I don't know as it was raw; it was very much inflamed. She said it was canker. She came to me and told me she had canker in her mouth when she first complained of it.

Q. She hadn't complained of anything else, had she, up to that time? A. Not at the time; no sir.

Q. She told you it was canker. How long after did she call it anything else? A. When the doctor told her, I suppose.

Q. Pardon me; leave out your suppositions. How long after did she call it anything else? A. When the doctor told her.

Q. When the doctor told her. Was it then that she said she had it when she was at Oak Place? A. When she was talking with me about it she did; I don't know whether she told the doctor so or not.

Q. Was it at that time? A. Yes, sir.

Q. After the doctor told her that she had it; and that doctor is dead, is she? A. No, sir; she is in California, I think.

Q. A woman doctor? A. Yes, Dr. Buckle; from the New England Hospital. She was in the hospital, and she is now, if I understand.

Q. When did she go to California? A. I could not tell you.

Q. When did you hear of her last there? A. I don't remember. I asked where she was and they said she was in California.

Q. When did you ask? A. It was a long time ago; I cannot remember the time.

Q. Well, now, was Eva cured when she came back, whatever the trouble was? A. She was very much improved.

Q. Whether she was improved, I don't ask. Was she cured? A. I cannot tell you whether she was cured or not. She was cured, I presume, as much as anybody is ever cured of that complaint.

Q. As much as anybody is cured of that disease. No open, visible marks of it upon her were there? A. Not that I know of.

Q. There was never any except this canker in the mouth? A. I never saw any.

Q. Did you inquire of the people at the Oak Place Home, whether she had any disease when she left there? A. I didn't. All I know about that is what Eva told me herself.

Q. Eva told you, but you never inquired? You saw them afterwards? A. Why, yes, sir; I have seen them.

Q. See them while Eva was at your place? A. No, sir: I don't think I did while Eva was there.

Q. Did you see them while she was at Tewksbury? A. No, sir.

Q. Ever ask them what they meant by sending a girl diseased to your place? A. No, sir.

Q. Did anybody send to the father to have him take her away in that condition? A. No, sir: her father didn't send her away; it was the managers who sent her away.

Q. I understand; but nobody sent for her father to take her away? A. Not that I know of.

Q. But you do know that the father never paid anything while she was there? A. Yes, sir.

Q. Why did they send and take her back again if she was in such a condition? If she was in this condition, why did they send for her to Tewksbury? Why did they send for her? A.

She was told when she went that if she got cured or better that she should come back again.

Q. And they not only let her come back but they sent you for her? A. Yes, sir.

Q. And who paid your expenses? A. The asylum.

Q. The father? A. The asylum — the home.

Q. The home paid your expenses? A. And paid hers; yes, sir.

Q. And the father was still not paying? Then you went up to see her once before? A. Yes, sir.

Q. Who paid your expenses that time? A. The asylum. They always paid the expenses.

Q. When you went up to see her they paid the expenses up there again? A. And back again.

Q. Now how many times were you up there to see Eva? A. Only twice. I went up once to see her, and once when I brought her back.

Q. Who told you to go up after Eva? A. Miss Hannah Chickering, one of the managers. She was the founder of the home.

Q. Now, when she came back, and you went up there to get her, did Eva write down that she was well or better? A. Did she do what?

Q. Did Eva write down? A. Write?

Q. Yes. W-r-i-t-e? A. No, sir; the doctor sent word. Dr. Nellie Marsh sent word that she thought she would be able to come back again.

Q. Dr. Nellie Marsh? A. Yes, sir.

Q. Well, was Dr. Nellie Marsh conversant with your institution? A. I don't know.

Q. Had she ever been there? A. I never had seen her there.

Q. Dr. Nellie Marsh wrote that Eva had better come back, and you were sent up there? Her child was dead, then, when you got there? A. The child was buried the day before I went to visit her; before I went to bring her back. It was when I made my visit. When I got there she told me that Freddie was buried the day before.

Q. The day before? A. Yes, sir.

Q. That is what she told us here. Now, how long did she stay with you the second time? A. She was not in my department at all after she came back.

Q. I know. How long did she stay in the asylum? A. I could not tell you.

Q. Who took her away? A. I could not tell you that, either.

Q. Where was she carried to? A. To the Consumptives' Home.

Q. How do you know that? A. I know she told me she was going, and Miss Tolman told me she had gone, but I don't know the time.

Q. Did she go? A. Yes, sir; she went there as assistant housekeeper.

Q. Eva told you she was going, and Miss Tolman told you she had gone? A. Yes, sir.

Q. Have you seen her from that time? A. No, sir; I have never seen her since; she didn't come back again.

Q. Now, I want you to tell me when it was and who it was, if anybody, that said her character for truth and veracity was bad. A. Her father told me so when he first brought her there.

Q. When he first brought her he told you so? A. Yes, sir.

Q. Anybody else at that time? A. Miss Tolman, the headwoman that was there. She didn't tell me at that time; but she hadn't been there very long.

Q. Did he tell you or somebody else? A. He told me.

Q. Did you ask him or did he volunteer it? A. I didn't ask him.

Q. Had he ever seen you before? A. No, sir.

Q. Where did he tell you? A. He told me in the nursery.

Q. When he came in to see her? A. When he brought her.

Q. Did he bring her into the nursery? A. He did.

Q. He brought her into the nursery. Anybody come with him? A. He took the child in his arms and she came in with him.

Q. What did he first say when he got in? A. He said this was his daughter. If you will wait a moment I will get just the right words.

Q. Yes; I will wait until you get just the right words. A. He said, "Miss Thompson, here is my daughter Eva and her child."

Q. What next? A. "My adopted daughter," he said.

Q. What next after "here is Eva, my child?" A. I don't remember that he said anything else then.

Q. Pardon me; anything else in that conversation? A. While he was there?

Q. Yes. A. Only how young she was.

Q. How young did he say she was? A. Only her sixteenth year, he said.

Q. Anything else? A. Well, he only spoke of feeling very badly on account of her conduct.

Q. He said he felt very badly on account of her having a child, I suppose. A. On account of her conduct.

Q. What next did he say — well, we will leave that right there. Did you ever see him again? A. Yes, sir.

Q. How long afterwards? A. I could not tell you.

Q. How many times? A. I don't know. He came three or four times, perhaps more. He visited her several times.

Q. How often did he come? A. I could not tell you. Several times.

Q. Tell me what was said at the next time he came. What did he first say? A. He inquired about her health, how she was, how she was getting along, whether she behaved.

Q. He inquired about her health, how she was, how she was getting along, whether she behaved; and you told him, I suppose? A. Yes, sir.

Q. What else did he say at that time? A. He said if she needed any money, — he gave me, I think, two dollars to spend for her if she wanted anything.

Q. Yes; gave her some money to spend; and that was the second time. Now the third time what was said? The same inquiries? A. He always inquired for her health.

Q. Appear interested in her? A. Very much interested in her.

Q. Anything more pass the second time that he came to see her? The first time he came to bring her; the second time and the third time to visit her. You have told us he inquired for her health, how she was, how she was getting along, and how she behaved. Now, anything else? A. I cannot remember the times right along what he said. I know he always inquired for her health; always asked about her.

Q. Now, didn't you swear yesterday that when he brought her there he told you she was untruthful? A. Yes, sir.

Q. You did? A. I have said so this morning.

Q. You told me yesterday it was the first time he came there. Now, I have gone all over what he said and you left it out. Tell

me where it came in, now. — in the conversation the first time?

A. What do you mean?

Q. When he said that her character for truth and veracity was bad. A. Why, when he first came there and was talking to me about it, and told me of the trouble.

Q. Pardon me; I want you to put it in as he said it. Here was a father, very much interested in his child, leaving her with an entire stranger, and, by way of recommendation, he volunteers that her character for truth is bad. I want to know how he got that in. That is what bothers me. Feeling very badly about his child, taking very great care of her, and trying to do everything for her, the first thing, he goes to an entire stranger and says: Here is my child; her character for truth is very bad. How did he bring it in? I have had great experience in this world, but I never heard anything of the sort. I should like to know how he did it. When you went over the conversation you left it out. A. I left out a good many things. When you put a question I answered it.

Q. I asked you to tell me what he said, and you said he said, "Here is Eva, my child, my adopted child; I feel very bad about what has happened to her, and I want her to have every care." Then I waited and you added no more, and then I went on to the second time. A. Yes; I think I can tell you now. He said he was very fond of her; she was disobedient, she was untruthful, but he was very much attached to her, and he wanted to do everything he could to save her: he could not keep her at home because she would not stay in the house.

Q. She had been very bad. Now, he said she was untruthful; he could not keep her at home because she would not stay in the house. What else did he volunteer about his daughter?

A. I could not remember anything else.

Q. You are sure he put in that she was untruthful? A. Yes, sir.

Q. Was that it? A. He said, I am sorry to say that she is not always truthful.

Q. Well, that is the way in which he commenced: "Here is Eva, my adopted daughter, and I feel very sad about what has happened to her. She is not always truthful, she won't stay in the house, and I want to do everything I can to save her." And this to you, a perfect stranger, who was going to have the care of her. Now, honestly, Miss Thompson, if anybody else told

such a story as that would you believe it yourself? A. Yes, sir; because they often said so if they were not truthful.

Q. You would believe it because people going there before, fathers sending their children, had been there to give them that sort of a character to the matron? A. Of course we wanted to know what sort of persons they were.

Q. How so? A. So as to know how to take care of them.

Q. Pardon me; but you were not expected to give them lessons in truth and veracity? A. We were. It is a reformatory home.

Q. Precisely. Now, then, let us see if you did your duty. Give me an account of the first lesson you gave Eva in truth and veracity. How did you begin? A. It was part of the teaching; I don't say that in particular.

Q. Oh, but this was one of the worst cases; why not in particular? A. We always gave them the best advice we were capable of.

Q. I have not asked you that, either. I want to know your first lesson that you administered to Eva Bowen in truth and veracity. Did you ever give her any? — Well, we will pass from that. Now, when did you first tell this story to anybody that you have been telling here on the stand? A. I never told it to anybody.

Q. Sure? A. Yes, sir.

Q. Nor any part of it? A. I may have answered one or two questions.

Q. You may have? A. Yes; I have answered one or two questions.

Q. Who questioned you first? You first say you never answered anybody? A. Well, you said the story, and then you said or a part of it, and I said yes, I had answered some questions.

Q. Then I want to know how much you have added since. Who asked you questions first? A. Mr. Sargent asked me if I was acquainted with Eva Bowen, and I said I was.

Q. Mr. Sargent. When? A. I cannot tell you how long ago; it was when I was matron at the Trinity House laundry, three, four, or six weeks ago.

Q. Since this investigation commenced? A. Yes, sir.

Q. Since she was on the stand. Did he ever know you before? A. No, sir.

Q. Did you know him? A. No, sir.

Q. Then Sargent came in and asked you if you knew Eva Bowen? A. Yes, sir.

Q. And you said yes. What next? A. I don't remember anything else, except he said I should be called as a witness.

Q. If you knew Eva Bowen you would be called on for a witness? A. Yes; he presumed I would.

Q. How soon did Sargent visit you again? A. He didn't visit me again.

Q. Did he ever see you again until yesterday? A. I have seen him here in the room.

Q. Did he ever speak to you? A. I have spoken to him, and said good-morning.

Q. Anything more than to say good-morning? A. I don't remember.

Q. Well, you remember so well what Eva said, and what her father said some eight years ago — A. It was because I had the care of her.

Q. — That you ought to remember this three or four weeks ago. Now, didn't you tell anybody else anything more? Why should you be more communicative to anybody else than you were to Sargent, and tell anybody else the story you had to tell about Eva? A. I have told nobody about it only the matron that used to be there. She and I knew about it.

Q. Anybody else? A. She is not matron now, she was at that time.

Q. Matron where? A. At Dedham.

Q. Where did you find her? A. She boarded right opposite where I was.

Q. And you went over and talked with her about it. Did you tell Sargent about her? A. No, sir.

Q. Where he could find her? A. I don't know where he found her.

Q. Did you tell him where he could find her? A. No, sir; he didn't ask me.

Q. He asked you if you knew Eva Bowen, and he said that you might be called as a witness, and away he went, and you never told him any more, and you never told anybody else anything about your story but the matron; and you didn't have to tell her, because she knew as much as you did, and it was very natural for you to speak about it. You didn't have to tell her anything? A. No, sir; I didn't tell her anything. She knew more than I did about it.

Q. What is her name? A. Tolman.

Q. Mrs. Tolman? A. Miss Tolman.

Q. And you have never told anybody else until you got on the stand? A. Not to sit down and tell this story I am telling now.

Q. Any portion of it? A. Nothing more than the matron talking it over with me.

Q. Except the matron and Mr. Sargent, and you did not tell him anything except that you knew Eva Bowen. Did he ask you any other questions? A. I don't remember that he did; no, sir.

Q. A pretty poor detective, if that is the way he did his work. Now, how do you suppose Mr. Brown found out so as to ask you questions about every single transaction that you put in about Eva Bowen; of course you never told him? A. That he has asked me?

Q. He has asked you, and was able to ask you, about every transaction that you knew about Eva Bowen, even the question of truth and veracity. How did he know that so as to ask you? A. I cannot tell.

Q. You cannot tell? You never told him? A. He asked me one day in the hall if I knew her — here in this room, when I came in one day.

Q. When who came in? A. When I came in.

Q. How did he come to think to ask you a question any more than anybody else; did Sargent introduce you to him? A. Yes, sir; Mr. Sargent.

Q. And you told him, didn't you? A. I told him I knew Eva Bowen.

Q. Did you tell him anything more? I would just as lief you would state what you have denied. You denied telling anybody. Brown is somebody? A. That story before.

Q. Any part of the story. What did you tell him? A. I didn't tell him anything. He asked me if Eva had the syphilis, and I said she did, and he said he would have to call me as a witness. I don't remember as there was another word said.

Q. Nothing else said? A. I don't remember as there was.

Q. Anything said about truth and veracity then? A. I don't remember that there was.

Q. Anything said between you and Miss Tolman about truth and veracity? A. Miss Tolman came here and heard.

Q. Leave out her coming here; I am simply asking you if

there was anything said between you and Miss Tolman? A. Yes, sir; she read Eva's testimony and she said it was all false. That is what was said about it.

Q. She said it was all false? A. Yes, sir.

Q. Then she knew all about it? A. She read it in the paper.

Q. She knew it was all falsehood. How did she know that? It was not false that Eva had a child? A. I don't mean that; I mean her dying.

Q. What did she say? A. About whether her father tried to kill her.

Q. Pardon me; I want to know if she said the statement that Eva had a child at Oak Place was all false. That was in the paper. I didn't ask about the medicine.—Was anything said then about your testifying?—Who first told you, or intimated that you would be asked about Eva's truth and veracity? A. Who first?

Q. Yes. A. Who first asked me about testifying?

Q. Who first told you that you would be called to testify to Eva's truth and veracity? A. I don't remember.

Q. Don't you remember anybody? A. No, sir.

Q. Not even Miss Tolman asked you about that? A. I said that Miss Tolman and I talked it over.

Q. Talked what over? A. Her untruthfulness.

Q. That is, because she swore to such a story, she was untruthful? A. I told you before that when she first came to Dedham her father said she was untruthful.

Q. Now, didn't you read in the same paper,—you said it was all false, that Miss Tolman said it was all false, meaning that it was false when she said she had not disease? A. Yes, sir.

Q. Didn't you read in the same paper that the nurse at Dedham who knew her well, and the doctor at Oak Place who examined her there before coming to your concern, said that she hadn't it? A. No, sir; I didn't.

Q. You didn't read that part of it? A. No, sir. I read the paper; only took it up to see that she had testified.

Q. All you knew was that she had testified? But Miss Tolman had read the rest, so that she knew it was not all false? A. I suppose she had.

Q. Where are you stopping now, madam? A. At 27 Yarmouth Street.

Q. What do you do there? A. I am not engaged in any business.

Q. How long have you been about there? A. I have been there part of this winter.

Q. How large a part? A. I have supplied at the Temporary Home, on Pleasant Street.

Q. How much have you been at this place? A. I cannot tell you how long.

Q. About four months? A. No; not as long as that.

Q. Just about that, is it not? A. No, sir.

Q. Where did you come from last? A. I had a room on Appleton Street through the winter.

Q. Had a room on Appleton Street? A. Yes, sir.

Q. Whose house; what number? A. I cannot tell you the number.

Q. Well, who keeps the house? A. Well, it is Mr. Pitcher; he and his wife, and her mother. They are dress-makers. I was recommended to go there.

Q. Leave out your recommendation to go there; I only want to find out where the house is. And you took in sewing there? A. I did not do any sewing there. They are dress-makers.

Q. All right; you didn't do any sewing there. What did you do? A. I was not doing anything while I was there.

Q. How long were you there? A. I went there when I came back from Dedham.

Q. When was that? A. I supplied in Dedham three months for the laundry matron, and I came back the first of September.

Q. And this was a temporary going back to supply? A. Yes, sir.

Q. For three months you went back into the laundry? A. Yes.

Q. And was laundry matron. You were the matron who washed the clothes? A. No, sir; the matron is the one who has charge of the work.

Q. Don't do any work yourself? A. Sees that the work is done.

Q. Sees that the inmates do the work? A. Yes, sir.

Q. Then, whenever we talk about the laundry matron, we mean one who does not wash or iron clothes; what does she do? A. She takes the desk, and keeps an account of the

clothes, marking them, sending them out, putting them out, and seeing they are washed and ironed properly.

Q. You were there three months, supplying this woman's place while she was gone? A. She had left.

Q. How long did they keep you? A. They wanted me to stay right along, but I didn't wish to.

Q. Where did you work before that? A. I went out before that. Last spring I supplied at the Temporary Home, on Pleasant Street.

Q. How long were you employed there? A. I was there two weeks.

Q. Where were you employed before that? A. I was not employed before that.

Q. What did you do; live on your income, or how? A. I was in my room, and I was resting.

Q. What were you resting for? A. Because I was tired.

Q. Tired of what? A. Work.

Q. Where did you work before that? A. Well, if you will let me go back and tell you the whole thing, I can.

Q. Pardon me; I am running you right back. A. Before I went to Dedham, — after I left Dedham, I went to Norwich, Conn., and was in the Children's Home there three months.

Q. When did you leave Dedham? A. I left Dedham in 1879.

Q. That is four years ago. And you worked three months at the students' home, or some sort of a home, and then you rested nine months? A. The Children's Home, at Norwich; I was three months there.

Q. Where else have you been? A. I supplied at the Refuge three months, while the matron was on a vacation.

Q. Where else? A. At the Dedham Temporary Home three months.

Q. That is nine months? A. Three weeks at the Temporary Home for Working Women, on Pleasant Street, at one time.

Q. That is nine months and three weeks? A. And two weeks again, this spring. I have supplied at the laundry.

Q. That is nine months and five weeks and a day. A. I supplied twice at the Trinity House laundry, two weeks at a time.

Q. And you worked two weeks at a time, or three? A. Two; while the matron was away.

Q. Twice at what laundry? A. Trinity House Laundry, Burroughs Place.

Q. That is four; that makes nine weeks? A. Yes, sir.

Q. Very well; we have got nine months and nine weeks out of four years; and then you rested from your labor? A. Between those times; yes, sir.

Q. That is, you go to work a fortnight, and then you have to rest how long? A. Until they wanted me to come to some other place.

Q. Well, you seem to have had no very steady employment. Somehow, for some reason, you have been almost everywhere, doing washwoman's work pretty much of the time. Why did you get out so often? A. I could have had one or two of those places. They wanted me to stay at the place in Connecticut.

Q. And you wouldn't? A. No, sir; I didn't want to stay.

Q. They wanted you to stay at Dedham? A. The work was too hard. They told me they would give me an assistant if I would stay. They said I should have the position there if I wanted it, but it was not my kind of work, not the work which I wanted to do.

Q. Now, have you ever refused a chance to go to work when you have had one, for the last four years: and, if so, why? A. Because I didn't wish to take the place.

Q. Have you ever refused to go to work on supply? A. I have supplied at these places.

Q. Have you ever refused to take a place? A. Permanent situation, do you mean?

Q. Any place. A. I never refused to take a permanent situation.

Q. Never have. Didn't they want you, permanently, at Dedham? A. I told you they wanted me to stay, but I didn't wish to.

Q. And you refused. And you refused to stay at Norwich? A. I was never at Lawrence.

Q. At Norwich. A. At Norwich; yes, sir.

Q. Then you go out and stay two weeks and three weeks, and then you go back to rest at your home. Now, madam, you were also at Lancaster? A. Yes, sir.

Q. Did you want to stay there? A. Yes, sir; I wanted to stay there.

Q. And they didn't want you? A. Yes, sir; they did.

Q. You wanted to stay, and they wanted you to? A. They

wanted me to come to the Dedham home, and they wrote to me three times to go there ; and, finally, when there were to be some changes at Lancaster, a new superintendent and new assistants, I came to Dedham.

Q. How much pay did you get at Dedham? A. Two hundred and fifty dollars.

Q. A year? A. Yes, sir.

Q. How much at Lancaster? A. Two hundred and seventy-five.

Q. Had you ever been to Dedham before you went there to work? A. Had I what?

Q. Ever been to Dedham before you went there to work? A. I went there once to see Miss Tolman. She left Lancaster and went to Dedham.

Q. And they wanted you at Lancaster, and they would give you two hundred and seventy-five dollars, and you wanted to go to Dedham so much that you went for two hundred and fifty dollars? A. No, sir ; it was not that. They wanted me to come.

Q. They wanted you to come, and you didn't want to come ; but you went when they wanted you at Lancaster. They had plenty of young girls at Lancaster, didn't they, to take care of? A. Yes, sir.

Q. And you were to take care of young girls there? A. I had charge of the kitchen and the domestic department — kitchen matron.

Q. Sweeping? A. The kitchen department ; all the domestic work.

Q. Yes ; all kinds of domestic work. I would like you to tell me whether at any time, or anywhere, you saw any indication,—take it all around, anywhere,—of this disease, except this sore mouth. A. I didn't see any.

Q. You didn't? A. No, sir.

Q. You don't know what other people saw? Very well. And this child never knew that she had syphilis until after you or the doctor told her? A. She didn't know what the matter was.

Q. Of course she didn't ; the poor child didn't know what it was. Did you ever see any other case? A. No, sir ; only as a child might have it sometimes at the home.

Q. They would have sore eyes? A. They would have sore heads and sore eyes.

Q. But Eva didn't have either sore head or sore eyes, you told us; but she had sore mouth, which she called canker. Well, that is all. Hold on a moment. Here is a book. [Producing a book.] Now, do you know about this book? This seems to be a register. Did you ever see that book before? A. Let me take it, please. [Book handed to witness.] It is not my book. It looks like Miss Tolman's handwriting.

Q. Well, did you ever see this book before? This looks very like the description of a book you gave us. A. If you will let me look at it again. [Receiving the book.]

Q. Look everywhere except where I have turned down the leaves. You need not look there. You see I am up to that. Any of your handwriting in that book? A. No, sir; I don't see any of my writing here.

Q. Do you see any of your writing? A. No, sir.

Q. All Miss Tolman's writing? A. It is not all; there is one thing there I don't know whose it is. That very coarse writing is Miss Tolman's, I should judge.

Q. The coarse is Miss Tolman's? A. I should judge so.

Q. Is Miss Tolman here? A. In the house?

Q. Yes. A. No, sir.

Q. She is not sick, is she? A. She is out of health.

Gov. BUTLER. I supposed she might be. I am sorry.

Re-direct examination by Mr. Brown.

Q. You spoke of Mrs. Stevens, who was connected with the Oak Place Home. Do you know where she is? A. She is in the Old Ladies' Home on Revere Street. She has had three or four shocks of paralysis.

Q. I was going to ask you. Is she able to go out? A. No, sir; she is not. She can only raise herself in her chair.

Gov. BUTLER. Who is it? Mrs. Stevens who used to be connected with the Oak Place Home?

The WITNESS. She is paralyzed and can simply raise herself in her chair.

Gov. BUTLER. I understand they are all dead or in California who know about it now, — or paralyzed.

Q. Now, about Miss Tolman; do you know what her address is? Do you know where she lives? A. She is going out of the city to-day.

Q. What is her address in the city? A. No. 13 Burroughs Place — I mean No. 14 Burroughs Place.

Q. (By Gov. BUTLER.) Where has she gone? A. She is going out of town.

Mr. BROWN. His Excellency asked where.

The WITNESS. I don't know; she is going out of town.

Gov. BUTLER. I thought you said she was going away.

The WITNESS. Yes, sir; but I thought you asked me where.

Q. (By Mr. BROWN.) Now, His Excellency asked you in regard to the conversation which you had with Mr. Bowen when he brought his child to the home at Dedham.

Gov. BUTLER. So did you.

Q. I want to know if you stated all the conversation that took place with Mr. Bowen.

Gov. BUTLER. I submit the rule is that when a conversation is asked about, the party who asks about it must go as far as chooses, and then the other party cross-examines, and that is the end.

The CHAIRMAN. I think that is the rule.

Mr. BROWN. I have no doubt it is the rule, and I have not offended it yet. What I did ask this woman was who ever said to her that Eva Bowen was an untruthful person, and she said her father on the occasion of his first coming to Dedham; and there I stopped.

Gov. BUTLER. Yes; and that is enough.

Mr. BROWN. That is all I said, and for no purpose except to show that this girl's reputation is bad. Now, His Excellency has gone into the conversation which took place at that time; gone all into it, except he has been careful that this witness should not say one thing, and that is what the father told her about Eva Bowen's life. Now, if the committee will permit this witness to state fully what, if anything, he said otherwise, what the father said about Eva Bowen's life, I should be pleased to hear it; I think it might throw some light upon the matter.

Gov. BUTLER. To that I answer, that that statement is exactly not the fact. I asked her to state what he first said, what he next said, and what he did say, clear down, and waited a long time, and asked if there was anything more. And so far from not permitting her to say one word about her life, she did say that the father said it had been very bad, that she would not stay in the house, and he could not keep her at home. Don't you remember that? And then for Mr. Brown to get up here and say I would not let her say one word about what her past life has been, is exceedingly out of place.

Mr. BROWN. Well, if you will look at the record, you will see that I didn't say any such thing. I thought it would be a benefit to you.

Gov. BUTLER. Well, you heard just what has been said, you know. There won't be any benefit from it. For when I do hear — sometimes I do not — when I do hear, I don't forget it in five minutes, when I want to make an argument upon it. There is not a man of your committee that don't know that I asked this woman, and was careful to go over it. They did put in at first, that her father said she was untruthful. I could have objected to that, but it was so monstrous a statement that I did not. Because, all he could have asked was, what was her character for truth. I can go into who said so, but they could not. But after the exhibition of tears, the church, the Sunday school, the falling dead with the prodigal son on his lips, it was so monstrous a statement, that he went around advertising his own child as a liar, that I thought I should like to hear what sort of a father he was; and, therefore, I allowed it to be put. Then, this morning, I asked this witness to state. She had sworn, yesterday, that it was when he brought her there. Then, it came to me that it was still more improbable that a loving father, who could never speak of his child without tears in his eyes, should have, to a perfect stranger, an underling in one of these dens — could have so stated, that I thought I would see what the woman would say about it. Then she said what she did say. Very good. The next thing that happened was this: that she went all over it, and left that out entirely. I then took her over the thing again, and than she put it in, and she put in a great deal more, to wit, that he said she had been a very bad character, she would not stay at home, he could do nothing with her, and she had been disobedient. And then she left out untruthful, and I called her attention to it again, and she put it in, and altered it by saying that he was sorry to say that she would not always tell the truth. Well, now, then, the proposition is put to you, that you should let things into this conversation, because I didn't allow her to say one word about what the father said in regard to the daughter's habits of life. And I have been a little careful about this, because I want to explode this method of statement if I can.

The CHAIRMAN. Do you claim, Mr. Brown, that you have

the right to go into this by reason of something the governor has brought out on cross-examination?

MR. BROWN. I claim this, may it please the committee: I may have departed from the usual custom in asking this witness, on direct examination, as to who had told her that this girl's reputation — or, at least, that she was an untruthful child. That I will, perhaps, admit. But now, what she said in regard to Dedham was a mere incident. She said that the father had told her that this child was untruthful, and she added, when he brought her to Dedham. That was a mere incident; it was the mere occasion. You can see that I didn't go into the occasion at all. Now, I didn't say, and the record won't show that I said, that I didn't ask her a word about it; nothing of that kind. Nor do I charge His Excellency with having excluded the entire conversation; and when he says that, he states that which is not correct.

GOV. BUTLER. Well, I have not said that; that is the trouble.

MR. BROWN. What I did say was this, and I repeat it, and I think reference to the record will corroborate what I say, that His Excellency in cross-examining this witness, when she came to what Mr. Bowen told her in regard to the previous life of his child, did not exhaust her upon that subject. He did not ask her if he said anything else to her about her past life; nothing of the kind. He contented himself with having asked her what Mr. Bowen said, and then when he saw that she was repeating what Mr. Bowen said to her, he evidently didn't want any more of it and stopped. Now, I want the rest, if there is any more. I don't know as there is. If there is any more, I want it. And that is precisely how I understand the position of this question. I am entitled to the whole conversation, if there is anything left.

GOV. BUTLER. I want to ask the committee if I am to be closed upon every time this way.

MR. BROWN. You can always have the close if you want it.

GOV. BUTLER. I beg your pardon; I don't want it.

MR. BROWN. Then what are you talking about it for.

GOV. BUTLER. Because I don't want to be cheated out of it every time.

MR. BROWN. You never will be, because I will always give it to you.

GOV. BUTLER. Let us come to an understanding. There is

a rule established here, and it was established rightly, and it has been rightly exercised against me, that there is to be one argument; otherwise we never shall get through. I can close after my brother Brown gets through, but I don't want to, because I don't want to take up the time. I want the rule observed. It is of no use for me to say that I am closing upon a man—for certainly I can do it afterwards—because if he gets up and closes upon me I can close on him, and so on *ad infinitum*. That is not the way to do business.

THE CHAIRMAN. In this case I understood Mr. Brown asked the question to which you object.

Gov. BUTLER. I do.

THE CHAIRMAN. Then it was for him, under the rule, to show it is competent, and then for you to reply and for him to close.

Gov. BUTLER. No; I am the objecting party; I am to sustain my objection and to show whether the objection ought to be sustained.

THE CHAIRMAN. I think the party asking the question ought to show its competency. Now, let us see what the question is, Mr. Brown.

Gov. BUTLER. If the chairman will observe, the rule has been exactly the other way all the time.

Mr. MURPHY. I so understand it.

THE CHAIRMAN. I understand the party offering the question is to show its competency.

Mr. MURPHY. All I know is that His Excellency has always closed on every question that has come before the committee.

THE CHAIRMAN. That is more liberty than the governor claims himself.

Mr. MURPHY. He has always closed on questions of this kind.

THE CHAIRMAN. Now, Mr. Brown, let us have the question.

Mr. BROWN. I want to know whether she gave to His Excellency on cross-examination all the conversation which this witness had with Mr. Bowen at any of his interviews at Dedham.

THE CHAIRMAN. I will put the question to the committee.

[The question was ruled out by a vote of three to five.]

Q. (By Mr. BROWN.) I want to ask you in whose handwriting this entry on page 304 is, in regard to Eva Bowen?

Gov. BUTLER. If she knows.

THE WITNESS. Miss Hannah Chickering's; and this is Mrs. Dexter's.

Q. Is Miss Chickering here? A. She is dead.

Q. She kept that before she died. Then, this other lady, you say is, — A. Mrs. Charles Dexter.

Q. Is she here? A. I presume not, because she would not be very likely to be here.

Q. Well, see if you can see her? A. [Inspecting the audience.] No, sir.

Q. You refer, when you speak of Mrs. Dexter, to the entry of July 28th? A. In regard to the child; yes, sir.

Q. Now, who was Mrs. Dexter? A. Mrs. Charles Dexter, she lives on Newbury Street, and she is secretary of the home.

Q. How long has Miss Chickering been dead? A. I could not tell you exactly, but she died before I left there.

Q. She died prior to 1879? A. Yes, sir.

Q. So that if that is her handwriting it was not made last night, but it must have been made prior to 1879? Is that correct? A. Yes, sir.

Gov. BUTLER. If that is her handwriting. We will find out about it. We will find out how she knows her handwriting.

Re-cross examination by Gov. Butler.

Q. Have you seen her write? A. I never saw her write.

Q. You never saw her write? A. No, sir.

Q. Are you sure about that? A. Yes, sir.

Q. Now, haven't you seen her write? A. Seen Miss Hannah Chickering write? No, sir; I have seen little notes that I have received from her.

Q. But you never saw her write and you haven't got any of those notes now? A. No, sir; they would be only little notes or memorandum which I would not keep.

Q. Then you don't know her handwriting any better than anybody else in the room? A. Yes, sir; I think I do.

Q. But you have no means of knowing it from having seen her write? A. No, sir.

Q. You have sworn that one book was a copy? A. I said it was. A lady said it was. Her niece told me the lady copied it.

TESTIMONY OF ELIZABETH MCKINNON (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. Elizabeth McKinnon.

Q. And you are one of the attendants at Tewksbury? A. Yes, sir; I am one of the nurses there.

Q. How long have you been there? A. Since the eighth of August, 1876.

Q. And you are there at the present time? A. Yes, sir.

Q. Have you been there continuously since you first went there? A. Yes, sir; except two weeks' vacation.

Q. In each year? A. Yes, sir.

Q. When you first went to Tewksbury what did you do? A. I went there as nurse in the hospital.

Q. What hospital? A. The woman's hospital. I was there three weeks as assistant nurse and after that I had charge.

Q. Now, did you have a sister there at any time? A. Yes, sir; I have got three sisters who have been there.

Q. Now, give us the names of each of your sisters who have been there in Tewksbury? A. My sister Sarah was there before I went there.

Q. Now, your other two sisters? A. The next one was Mary and the next one Rina—Alexandrina.

Q. Can you tell us about when Sarah went there? A. I don't remember what year she went there, but I think she was there about two years. I don't remember just how long she stayed there. She left before I went there.

Q. When did Mary go there? A. Mary went there the first of August, the same year I did.

Q. You went the eighth and she went the first? A. Yes, sir.

Q. (By Gov. BUTLER.) What year? A. 1876.

Q. (By Mr. BROWN.) Now, the other sister; when did she go there? A. I think it was two years after Mary went there. When Mary left she took her place.

Q. When was that, about as near as you can tell? A. I think it was about four years ago.

Q. So that there has never been but two of you there at one time? A. That is all.

Q. First was your sister Sarah? A. She was there alone.

Q. Then yourself and your sister Mary? A. There together.

Q. She commenced the first of August, 1876, and you commenced the eighth of August, 1876. Then your sister Mary left and your other sister took her place? A. Yes, sir.

Q. Is she there up to the present time? A. No, sir; she left two years ago.

Q. And you have been there alone now for two years? A. Yes, sir.

Q. Now, were you ever in the insane department? A. No, sir.

Q. Was either of your sisters in the insane department?

A. My sister Mary was there for a short time; I don't think it was more than a week; I don't remember just how many days.

Q. Did you know Mr. Frank Barker and his wife? A. Yes, sir.

Q. Did you know Mr. Dudley and his wife? A. Yes, sir.

Q. Did you know Mr. French and his wife? A. Yes, sir.

Q. Mr. Emmons French? A. Yes, sir.

Q. And the other Mr. French? A. Yes, sir.

Q. What is his name? A. Lemuel French.

Q. Lemuel French and his wife? A. Yes, sir.

Q. Is he connected with the institution? A. No, sir.

Q. When did he leave? A. Well, two or three weeks ago.

Q. Did you sit at the same table with Mr. Barker and his wife and Mr. Dudley and his wife? A. Yes, sir.

Q. During any time when you and they were at the hospital, or at any time since you met them, did you ever hear them say anything about any act of cruelty having been committed in the institution? A. No, sir; I don't think I ever did.

Gov. BUTLER. I didn't hear.

The WITNESS. I don't remember of having heard anything of that kind.

Q. Did you ever hear any of them say, during any time while they were connected with the institution or since, that any man in the insane department had been kicked by Mr. French, or bruised? A. No, sir; I never heard it until it has come out here lately in the papers.

Q. In this investigation? A. Yes, sir.

Q. Did you ever hear either of these four persons at any

time make any remark in regard to insufficiency of bathing apparatus in the insane department? A. No, sir.

Q. Did you ever hear Mr. Barker —

Gov. BUTLER. What does this contradict?

Mr. BROWN. Mr. Barker says that he washed eighty-four people in one pool, and there were no individual bath-tubs, and he complained that there was not sufficient apparatus there.

Gov. BUTLER. At the table? Did he say he complained at the table?

Mr. BROWN. No; he didn't say where, but I ask her if he complained there.

Gov. BUTLER. I should hardly think a man of any taste would complain at the table, where he was eating, that the bath was dirty and that excrement was swimming around on the water. I should not want that for sauce, even for Tewksbury squabs.

Mr. BROWN. Well, your taste is peculiar.

Gov. BUTLER. I hope not in that regard.

Mr. BROWN. I take it it is perfectly proper to ask this witness if she ever heard any complaint. I don't limit it to the table, and you understand perfectly well, if you heard my question, that I did not.

Gov. BUTLER. I heard distinctly. The question was, Did you meet with them at the table? Yes, sir. Did you hear them make any complaint?

Mr. BROWN. I beg your pardon; that was not the question. The question was: Whether at the institution, or at any other time since you have been there, you ever heard any of these four people, Mr. Barker or his wife, Mr. Dudley or his wife, complain of any insufficiency of bathing arrangements in the insane department.

Gov. BUTLER. To which I object.

Mr. BROWN. For the reason that she has had no opportunity to hear them?

Gov. BUTLER. Very well; find that out before you ask the question. You are now trying to contradict somebody. When a man says he did a certain thing, you cannot show that he didn't by showing that he never told anybody that he did. You can confirm him by showing that he told somebody, but it was not a thing which a decent man would do to talk to this young girl, because we are getting back now when she was quite young—to talk to this young girl and complain about

bathing patients. The complaint ought to be made to the doctor or to the superintendent; and it don't help this investigation forward any to ask this witness this question. It is only to make a show of 157 witnesses, unless we are to know whether he complained about the bathing to this young woman. If he did he ought to have been turned out, in my judgment. My views may be peculiar; I have never been to Tewksbury.

MR. BROWN. I am glad to hear you say that, because I was going to put that in evidence.

GOV. BUTLER. No, sir; I never have been. They only entertain Governor Long and you: they would not entertain me.

THE CHAIRMAN. These subordinate officers, if they talked this thing over, it seems to me the conversation would have some competency, but not very much.

GOV. BUTLER. Any legal competency?

THE CHAIRMAN. It is very slight, but I think it is competent.

GOV. BUTLER. Where is the competency? But if you want to take the time.

THE CHAIRMAN. I don't; but a good deal of that stuff has gone in.

GOV. BUTLER. I have not put in that stuff. I prove that people have, not that people have not, complained.

THE CHAIRMAN. He wants to prove that they have not, I suppose. They say they did complain. It seems to me it is competent for him to show to whom they did not complain, in speaking of this among their associates. It is not very strong, but it seems to me it is not incompetent.

GOV. BUTLER. The difference between me and the chairman is that it is not evidence at all, for they say they complained to Dr. Lathrop and Mr. Marsh, the proper persons to complain to. Now, to show that they did not complain to a young woman, who could not do anything about it, who had nothing to do with it, and who ought to have been at school, I say is no evidence; has no tendency, legally. You see we are going back now to 1876; we are going back seven years upon this matter. Why, it would be illustrated by the Irishman, who said, when two men swore that they had seen him steal a pig, — "Won't twenty swear down two? Well, I can bring twenty men that didn't see me steal it?"

THE CHAIRMAN. The difficulty was that the twenty men were not present.

Gov. BUTLER. But this woman was not present. She was not where the old men were bathing, I trust?

The CHAIRMAN. No.

Gov. BUTLER. Very well; then she was not present.

The CHAIRMAN. Is it not in the nature of the case, Governor, that if these difficulties existed that Dudley would talk it over with his associate officers? So is it not some evidence?

Gov. BUTLER. Not the slightest. If he did talk it over with them, that might be some possible evidence; but that he did not talk over the bathing of this establishment with this young woman, — and I say again that he ought to have been discharged if he did, — is not of the slightest consequence.

The CHAIRMAN. I will put it to the committee.

Mr. BROWN. His Excellency has spoken three times, and I would like to say a word.

Gov. BUTLER. I have been talking with the chairman.

Mr. BROWN. I put the question as to whether this young lady associated at the table and otherwise with Mr. and Mrs. Dudley and Mr. and Mrs. Barker. Now, Mr. Barker and Mr. Dudley have both testified to a certain deficiency in the bathing apparatus as existing all the time they were there. Mrs. Dudley testified to the same thing on direct examination, but on cross-examination she did recollect that there were two individual bath-tubs in the insane department. Now, I put to this witness this question, as to whether, at the institution or at any time subsequent, whenever she has met those people, she has ever heard them make a remark that there was any deficiency in that regard. It is the commonest question put at any legal trial, and I have a distinct recollection, in the various trials where I have attended as a matter of curiosity to hear His Excellency cross-examine witnesses, that I have heard him ask that question a half-dozen times, — when first, in substance, did you ever tell this story? He has asked that this morning.

Gov. BUTLER. Yes; certainly.

Mr. BROWN. Now, I have here a witness who was associated with these people for years, and I ask her in substance whether she ever heard them complain, — not to her; not whether Mr. Dudley complained to her about the bathing apparatus for the men, — but did she ever hear any complaint from either of these four people. I put it in order to be brief. The same question has been asked by His Excellency the governor, no less than a dozen times during this hearing.

Gov. BUTLER. Not once.

Mr. BROWN. Asked this question, in substance.

[The question was admitted ; seven in the affirmative.]

The CHAIRMAN. Seven ; that is more than half the committee ; you may put the question.

Q. Did you understand the question? A. Yes, sir.

Q. Will you answer it without its being repeated? A. They never spoke to me about it that I remember of.

Q. Neither Mrs. Dudley nor Mrs. Barker? A. No, sir.

Q. Since they left the hospital, Mr. Dudley and his wife, have you ever seen them to have conversation with them? A. I have met them once ; seen them at Danvers.

Q. How long were you at Danvers? A. I went there with a patient,— Miss Allen.

Q. How long were you there? A. I stayed there, I should think, two hours ; went through the institution.

Q. Had conversation with them? A. Yes.

Q. Conversation turn to what took place at Tewksbury at all? A. No, sir ; they asked me if things were about the same as they used to be, and I said they were ; I didn't think there was any change in it.

Q. Now, Mr. and Mrs. Barker. — have you had conversation with either of them since they left the institution? A. They have been out to the institution visiting, and they came around to the hospital ; I met them there.

Q. How many times have Mr. and Mrs. Barker been to the Tewksbury institution visiting since they left their service there? A. Mrs. Barker has been once, and I think Mr. Barker has been twice, to my knowledge. I didn't meet him there the last time.

Q. Now, Miss McKinnon, at any time, whether they were at the institution, — either of those four persons, — were at the institution or since, have you ever heard them say anything about any knowledge on their part of any abuse or mismanagement of any of the patients which existed while they were there at Tewksbury? A. No, sir.

Q. Never did. While you were at Tewksbury, and while Mrs. Barker was at Tewksbury, did Mrs. Barker have a relative there as an inmate? A. Yes, sir.

Q. Who was she? A. Jane Douglass.

Q. What was the matter with her? A. She had syphilis of the worst kind.

Q. Did you ever hear Mrs. Barker complain in regard to the treatment of her cousin at any time? A. No, sir; she never mentioned her name to me. She never came to see her at all.

Q. What department are you now in? A. I am still in the women's hospital.

Q. And you have been there continuously all the time? A. Yes, sir.

Q. Which of the buildings is that in? A. I am in the centre building, now; the new hospital.

Mr. BROWN. Let us look at this plan a moment.

Gov. BUTLER. There is no dispute, is there, Mr. Brown, which building that was? She knows, and you and I know, and everybody knows by this time.

Q. Now, what physicians have been in charge of that building, that hospital, since you have been there? A. Dr. Wilkin. Dr. Lathrop has been there when she has been away.

Q. And how long has Dr. Wilkin been there? A. I think it is a year last January since she came there. — January or February; I don't remember which.

Q. And she has been there continuously since, has she? A. Yes; except to be away on a vacation.

Q. Now, what other physicians have been there? A. That is all that has been there. Dr. Otterson and. — Dr. Otterson has had one case; he had a scarlet fever case there.

Q. And, now, what is the number of inmates you have now? A. We have eighty-one.

Q. Eighty-one? A. Women; and there are nineteen children in there; was when I left this morning.

Q. And about. — without stating accurately, state as near as you can, what has been about the average number of patients in that hospital since you have been there? A. Eighty-one, — it is kept full all the time. They are coming and going. Just as soon as they come in we have to send some one who is well enough to go out to make room enough for the sicker one. We are kept full all the time. They are coming every day, and, as soon as we have more than we have beds for, we have to send those out who are well enough to go, to make room for the sicker ones.

Q. And that has been the case for how long a time? A. Why, it is the case all the time; ever since I have been there.

Q. Now, in this hospital do you have individual rooms, or

are they all in one large room? A. We have individual rooms on one side of the hospital. There is two in one room, and single rooms with one.

Q. (By Gov. BUTLER.) That is, two beds? A. Yes, sir; two beds and a single bed.

Q. Now, what attendants do you have there besides yourself? A. We are supposed to have two besides myself. — we have only one, at present, — and a night nurse.

Q. Two and a night nurse? A. Only one there now, — one has left, — and the night nurse.

Q. When did she leave? A. She left sometime this month: I don't remember just what day.

Q. What was her name? A. Mary Jane Russell.

Gov. BUTLER. Sometime this month, you say?

Mr. BROWN. Sometime this month, she says.

Q. Now, what other assistants do you have beside the night nurse and this attendant which you have had up to within this month? A. We have three women that come from the asylum to help, and we have to depend on what we have got in the hospital that are well enough to help. Those who are well enough are supposed to help in taking care of the others.

Q. By the women in the institution you mean they are women who are inmates, do you? A. No, sir.

Q. Who come to help? A. There are three from the insane asylum come to help every day. They sleep over there, and they come over and help in the day.

Q. What are their names? A. Ann Desmond is one, and Catherine Sullivan, and Rosanna Harwood is the third.

Gov. BUTLER. They are inmates, I understand?

Q. They are inmates in the insane department? A. Yes; they sleep there, and come as helpers in the hospital.

Q. Now, what is their condition; what is their ability to render assistance? A. They do the scrubbing; you can't rely on them for anything that is of any account, except it is to scrub and clean up.

Q. (By Gov. BUTLER.) Can't rely on them for anything except scrubbing and cleaning up? A. Yes, sir.

Q. Now, take that hospital, Miss McKinnon, in point of cleanliness; how is its present condition, in point of cleanliness, compared with what it has been since you have been there? A. It is the same. It is kept just as clean as soap and water can keep it.

Q. Is there any change, has there been any change, in point of cleanliness since you have been there? A. No, sir.

Q. I suppose, Miss McKinnon, there is no lack of labor there of inmates sufficiently skilled to scrub floors and wash up, is there? A. No, sir; we get enough for that.

Q. Has there ever been a lack of that kind of labor in your hospital that you know of? A. No, sir.

Q. Now, Miss McKinnon, whether or not the assistance which you have had, — yourself and one assistant and a night nurse, — is a sufficient force to take care of these eighty-one people? A. No, sir; it is not. There ought to be three of us in the day, anyway.

Q. There ought to be three of you in the day. A. We can't get along with any less, very well.

Q. And what hours do you keep there; what hours have you been obliged to work? A. We work from six till half-past six, — six in the morning till half-past six in the evening; sometimes till a quarter of seven. One waits till the others have had their meals and the night nurse comes on.

Q. The night nurse comes on at a quarter of seven? A. Yes.

Q. And stays till what time in the morning? A. She stays till six o'clock in the morning.

Q. Now, have you been obliged, since you have been there, to be on duty at six o'clock in the morning the year round? A. Yes, sir.

Q. Winter and summer? A. We have our breakfast at six, and right after breakfast we go to the ward; one goes down before the others, till the others get breakfast.

Q. So that there is one or the other of these two nurses you have spoken of always on duty there at six o'clock in the morning? A. Yes.

Q. And remains there till a quarter-past seven at night. What pay do you get? A. I have \$25 a month, now. When I first went there I had \$22. I think it is about three years ago it was raised to \$25. I am not sure just what year.

Q. Now, when the women come to the hospital, what is done with them; are they given a bath, or anything of that kind? A. Yes, sir; every one has to have a bath.

Q. Now, just give us the routine which a woman goes through when she comes to the hospital? A. She is taken to the bathing-room and bathed. If she is very sick, we have her put to

bed and sponged there; but, if she is able, we have her put in the bath-tub; and have their heads combed, and give them all clean clothes. The clothes that are on them are sent to the baggage-room, and they get them back when they go out. If their heads are very dirty and full of nits, the hair has to be cut. They don't cut the hair unless it is spoiled with nits.

Q. Unless it is filled with nits? A. Yes, sir.

Q. Now, what arrangements had you for bathing? A. We have hot and cold water; soap.

Q. Always have had since you have been there? A. Yes, sir. When we first moved to these buildings, the water had to be carried there. We didn't have hot and cold water, but we have plenty now.

Q. Individual bath-tubs? A. Yes.

Q. How many in the bathing department of that hospital? A. There is one in the new hospital and one in 18.

Q. When you speak of 18, what do you mean? A. It is the further building, next the laundry.

Q. That the building where you are? A. No; I am in the new building. There is one in the new hospital and one in 18. In the long hospital, where I first was, we had two bath-tubs; one kept for the clean cases and the other for the syphilitic cases.

Q. Now, as to the food in the hospital; what do you say about that? A. We have bread and butter, tea and coffee, and oat-meal gruel, and milk, hot milk and cold milk; and there is a dozen of eggs comes in, and it is divided among the sickest ones; sometimes we use them raw, and make egg-nogs for the sick ones; and we always have some boiled ones. There is times when they get out of eggs, and we are a week or two without. And at noon, twice a week, we have potatoes. We have salt fish one day and fresh fish the other,—the fresh fish is Tuesday and the salt fish Friday. Mondays we have corned beef, Wednesdays we have soup, Thursday we have pudding, Saturdays we have soups,—we always have pudding at noon.

Q. In point of quantity is there any lack of food? A. No, sir; if we don't have enough, we send to the kitchen for more, and get it.

Q. Have you ever had any difficulty in getting enough? A. No; very seldom. There was sometimes, perhaps, the fish would give out, would not go far enough. If we didn't have it

to go far enough we gave them butter. It is very seldom but what there is enough.

Q. How frequently has that happened since you have been there? A. I should not think it happened more than half a dozen times since I have been there. We have beef tea at night for sick cases. There is three quarts comes daily to the hospital of an evening.

Q. Beef tea? A. Yes, sir.

Q. How as to the quality of it? A. It is very good.

Q. Have you ever had any experience outside of the hospital as a nurse? A. Yes, sir; I was four years at the Massachusetts General Hospital.

Q. Four years at the Massachusetts General Hospital? A. Yes, sir.

Q. And how old were you when you went to the Massachusetts General Hospital, do you recollect? A. I think I was twenty-two.

Q. Now, how does the diet at the hospital which you are in at Tewksbury compare with the diet at the Massachusetts General Hospital?

Gov. BUTLER. I don't think we should go into that comparison. We have had this all up before, you know. It may be good, and may not be good, at the Massachusetts General Hospital; we have got to go into the investigation of that, you know.

Mr. BROWN. I will put the question in another form.

Q. Having in mind your experience as a nurse outside of this institution, what articles of diet do you think ought to be introduced for the good of your patients there at Tewksbury? What articles, that you don't have, do you think ought to be introduced? A. Well, I think if they had chicken occasionally, and chicken broth,—that is about the only thing; we have about everything else they need,—if they had chicken broth occasionally it would be good. Everything else seems to be about right.

Q. Do you have any jellies or delicacies of that kind? A. No, sir.

Q. Any preserved fruits or vegetables? A. They have vegetables in summer; and, in the summer-time, we have apples.

Q. I mean vegetables out of season. A. There are apples passed around occasionally in the winter-time; we have soups made of vegetables.

Q. Now, have you ever heard any complaint there at Tewksbury with regard to the inmates, when they were discharged, not getting their clothes? A. No, sir; I never heard it till lately.

Q. When you say lately, what do you mean? A. Since this investigation commenced.

Q. Since the investigation. Have you ever had conversation with any of your inmates, after they were dressed ready to depart from the institution? A. I have met them occasionally. They don't come often to the hospital. I have been at the office, and perhaps met them just as they were going out.

Q. Have you met them outside the institution, sometimes? A. No, sir; I don't think I ever did, except two. I met one in Boston,—I didn't speak to her; and I met one of the men in Lowell.

Q. Any of your inmates, that you have had in your department, ever come back to you? A. Yes, sir; they come back very often.

Q. Now, from those that you have talked with who were ready to depart, and those that have come back, have you ever heard any complaint that they didn't receive all their articles of clothing? A. No, sir; I don't remember of ever hearing it.

Q. Now, Miss McKinnon, what complaints from inmates or outside have you ever heard made against this institution prior to this investigation? Just tell us everything you have ever heard, or anything that you know that is wrong that exists there or ever has existed there. A. I don't know of anything; I don't remember of anything.

Q. Don't remember of any complaint? A. No, sir.

Q. Now, take the other branch of the subject; do you know of anything wrong in the management, or anything that is wrong there at the institution? A. No, sir; I think everything is managed as well as it can be.

Q. When you say as well as it can be, what do you mean by that? You don't mean to say, I suppose, but what it would be possible to have better things and better help, and everything of that kind, do you? A. I think we could get better help.

Q. What do you mean when you say it is managed as well as it can be? A. I meant I thought the Marshes and the doctors managed it as well as they could.

Gov. BUTLER. Meant what? I didn't get that.

Mr. BROWN. That is what I wanted to get at.

Q. (By Gov. BUTLER.) What is the answer? A. I think

the doctors and the Marshes manage the things as well as they can with the people they have to do with.

MR. BROWN. With the people they have to do with.

GOV. BUTLER. I think so, too.

MR. BROWN. I didn't hear that.

GOV. BUTLER. I think so, too.

MR. BROWN. I am glad to hear you admit that, that you think so, too.

GOV. BUTLER. Yes, I think so, too,—in this instance.

Cross-examination by Gov. Butler.

Q. Miss McKinnon, has your mother ever been there? A. No, sir; never.

Q. Where were you born? A. I was born in Nova Scotia.

Q. In Nova Scotia? A. Yes.

Q. When did you come to this country? A. I came in 1870.

Q. In 1870? A. In August.

Q. Who came with you? A. From Halifax?

Q. Yes. A. There was three of us came together from the insane asylum in Halifax; we were attendants there.

Q. Three of you came in 1870 from the insane asylum where you were attendants? A. Yes, sir.

Q. And which three were they? A. One was Mary Sentoris, the other was Ellen Sentoris,—Ellen Sentoris is dead,—the third is Belle Southerland.

Q. And they died? A. No, sir; Ellen Sentoris is the only one that died.

Q. Where is the other one; did they go to Tewksbury? A. No, sir; Miss Southerland has been out visiting,—Miss Southerland does private nursing in Boston.

Q. Leave out the others; how long had you been a nurse in the insane asylum at Halifax? A. Two years.

Q. That is, you began in 1868. How long after you left the insane asylum did you come here? A. I came direct from there here.

Q. When did your sister come; you are Elizabeth? A. Yes, sir.

Q. Now, Mary was one of them, wasn't she? A. Yes, sir; they didn't come till some years afterwards.

Q. They didn't come for some years afterwards ; were you the oldest or the youngest? A. I was the oldest.

Q. How much younger were they than you ; which is the next below you? A. I have two brothers below me.

Q. And these two brothers, — they younger or older? A. Mary —

Q. What? A. I have two brothers and then Sarah is the next.

Q. Then the family will be : Elizabeth, two brothers, and then Sarah, and then the others between? A. There was four girls and four boys, and my youngest brother is dead.

Q. How many of the girls have been to Tewksbury? A. There are three of my sisters have been to Tewksbury.

Q. Sarah and Mary? A. Yes, sir ; and Reina.

Q. Then there have been four of you all told at Tewksbury ; girls? A. Yes, sir.

Q. And your ages will be : you first, the oldest, Mary next, the two brothers between, and then Reina? A. Yes, sir.

Q. Was the next oldest, and Mary the next? A. No, sir ; Reina was the youngest.

Q. What? A. Reina is the youngest.

Q. And you were three years at the insane asylum at Halifax? A. No, sir ; I was the only one nursed there.

Q. The only one ; the rest of them had no experience. Then you came here ; and when did you go into the Massachusetts General Hospital? A. I went there in 1872?

Q. What were you doing between 1871 and 1872? A. I was a year at Taunton, in the insane asylum there, an attendant.

Q. An attendant in Taunton? A. Yes, sir.

Q. And then you went into the Massachusetts General Hospital. How long were you there? A. I was there four years.

Q. That brought it to 1876? A. Yes, sir.

Q. And you went to Tewksbury from there? A. Yes, sir.

Q. In 1876. What were you doing at Taunton? A. I was an attendant over the insane.

Q. How many had you under your charge? A. I can't remember just what it was ; we had a good many in the wards ; I think it was about seventy ; I can't remember exactly.

Q. About seventy, you think? A. I think it was ; I am not sure.

Q. What pay did you get there? A. I had \$13 a month when I first went there, and then I had 14.

Q. Then you came to the Massachusetts General Hospital: what did you do there? A. I had charge of the sick there; I was an assistant there three years, and the last year I was head nurse.

Q. The last year? A. The last year I had charge of three private rooms and three wards.

Q. What pay did you get there? A. They changed the pay there; when I first went I had \$11 a month; then I had 13, and I had 16 the last year I was there.

Q. And then you went to Tewksbury from there, at \$264 a year, wasn't it? A. Yes, sir.

Q. What? A. Yes, sir.

Q. And you get now 300? A. Yes, sir.

Q. Pray what year were you born? A. 1850.

Q. How old were you when you were in the institution at Halifax? A. I was about 18.

Q. How old is your next oldest sister; next younger sister, I should say? A. I think she was 22 last March.

Q. What? A. Twenty-two or 23, I guess it was 23, last March.

Q. Is that Reina? A. Yes, sir.

Q. When did Reina go to Tewksbury? A. She went there four years ago, — two years ago; yes, four years ago.

Q. Four years ago; what time of the year? A. She went there in the spring.

Q. Then it was four years ago this spring. How old was the next oldest? A. When she went there?

Q. No; how old is she now? We can find out, easily, by these books when she went there. A. How old is she now, is it?

Q. That is it. A. I think she is 27, but I am not certain.

Q. And how old is the next one, now? There are four of you there? A. She is 31, I should think.

Q. What is her name? A. Sarah.

Q. How old was the other? A. I am the next.

Q. I have got Reina, Sarah and Elizabeth; there is another one, isn't there? A. You have got Reina, Mary, Sarah, and I am Elizabeth.

Q. Now, when did your sister, — which two of the sisters went there before you did in 1876? A. Sarah.

Q. What? A. Sarah was the first one.

Q. And you told us how old she was? A. I think she is about 31; I don't just remember.

Q. What time did she go there? A. I don't remember.

Q. Don't remember; about how long ago? How many years was she there before you? A. She left before I went there; I think she was there about two years; I am not certain about the dates.

Q. About three years before? A. I should think so.

Q. She left before you went there? A. Yes, sir.

Q. Then she went there about 1871,—about 1873; how long did she leave before you came? A. I don't remember; I should think it was about a year, but I won't say about the date.

Q. About a year; and she was there about three years. Was she nurse or matron? A. She was nurse in the hospital.

Q. Were you the only one of the family that was a matron? A. I am a nurse there.

Q. What? A. I am a nurse there in the sick hospital.

Q. Weren't you ever a matron? A. No, sir; I have always been a nurse.

Q. You were a nurse in each of these rooms? A. Yes, sir.

Q. Well, you had charge, you ordered things about, you were the person who had the charge? A. Yes, sir.

Q. How many nurses had you with you? A. Two and three; sometimes they would be gone away, and there was one time there was a year with just two. We are supposed to have four all the time.

Q. What? A. There are supposed to be four there all the time.

Q. I know; but, without the supposition, how many were there actually there? A. There was four of us there most of the time.

Q. Two in the daytime and one at night? A. Three for the day and one for the night.

Q. Were either of your sisters in the same room? A. Yes, sir.

Q. How many of them? A. They all worked in that room.

Q. What? A. They were all in the hospital.

Q. In the women's hospital? A. Yes, sir.

Q. Are they larger and stronger women than you? A. My sister Mary is a good deal larger; Reina is taller.

Q. Now, did they have, in addition to the charge of these 81 patients, did they have anything to do with the children's room?

A. No, sir; except the sick children that were in the hospital with their mothers.

Q. In these 81 do you include the sick children? A. No, sir.

Q. There were 81 besides the sick children; how many sick children? A. They are coming and going all the time.

Q. The sick hospital was rather overflowing, wasn't it? A. There was,—when we had the lying-in room there a year, we had a great many more babies.

Q. How? A. We had the lying-in room there one year, and we had a great many more babies than I have in the hospital.

Q. In addition to this 81, the same force had the lying-in ward? A. No, sir; that was when we didn't have but 75, in that long hospital; it is 81 where we are now.

Q. When you had 75, you had in addition the lying-in room, did you? A. The lying-in room was included with the 75.

Q. Do you remember Charlotte Anderson? A. Yes, sir, I do; I remember that she was there.

Q. She was insane, wasn't she? A. Yes, sir.

Q. Do you remember the occasion of her having a child? A. No, sir; I cannot remember the birth. I remember generally, but I do not remember the birth.

Q. You knew she had one? A. Yes, sir.

Q. And that she was in charge in the foundling hospital? A. I didn't remember that until I saw it in the papers.

Q. You don't remember that? A. No, sir; I had nothing to do with it.

Q. Then all, except the scrubbing which was done by inmates, that had to be done in that room where eighty-one people were sick, was to be done by you three or four, or one in the night? A. One in the night.

Q. You depended on the inmates for scrubbing and cleaning only? A. No; they helped make the beds, carry the food to the sick, and assisted in making the inmates clean.

Q. Then they were of some account, were they not? A. Well, there had to be some one after them all the time.

Q. There had to be somebody watching them all the time?

A. I mean they were not responsible.

Q. Or else they would not do it right? A. Yes, sir.

Q. And these, in addition to being inmates, were insane inmates at that? A. No, sir; the insane inmates were for the scrubbing. Then we had other helpers; as they got better they helped to take care of the sick ones.

Q. I understood you to say that you had insane inmates to do scrubbing, and such work as that, and to carry meals around?

A. What?

Q. I understand that the insane inmates did the scrubbing and the carrying meals around? A. Well, sometimes they would not do it.

Q. And they would not do it without watching, I understood you to say, all the time. Well, if you had to watch them all the time, was it not just as well to carry the meals around yourself? A. We could not do that; we have to dish it out.

Q. Then you could not watch them all the time? A. Well, the two assistants dish out the meals, the inmates carry them around, and I see that they get it.

Q. You see that they get it? A. Yes, sir.

Q. And the insane inmates helped to make the beds? A. Yes, sir; some of them.

Q. They helped to take care of the sick, didn't they? A. Very little.

Q. A very little, but they did some? So that this is all there was for eighty-one inmates for years? A. There were a good many that were getting well.

Q. What? A. There are a good many that are getting well who help besides that.

Q. And those that get well and help, do they do much more than to take care of themselves? A. Oh, yes; they do the sweeping.

Q. Now, who deals out the medicine to the inmates? A. I do.

Q. Where do you get it? A. We have our medicine closet in the hospital; the medicine comes from the dispensary; the doctor fills the bottles when they are empty.

Q. What do you have in that dispensary closet? You have always had one? A. Always have had it.

Q. What do you have in that dispensary? A. We have everything that is given out to the sick as medicine.

Q. Everything that is given out to the sick. Have paragonic, I suppose? A. Yes, sir.

Q. Laudanum? A. Yes, sir.

Q. Morphine? A. Yes, sir.

Q. Ipecac; tartar emetic? A. Once in a while, when we want it.

Q. It is there? A. It is there.

Q. And it is your business to dispense that medicine? A. Yes, sir.

Q. And at the foundling hospital, when they had one there — they have not had one there lately, you know — where was that hospital situated in regard to your hospital; did it open out of it? A. Oh, no; it is across the yard, away from that.

Q. Now, you have been in the men's hospital? A. I have been in there with company.

Q. And there you have seen, I suppose, they have a dispensary closet there the same as you have? A. Yes, sir.

Q. And over in the lying-in hospital, I suppose, they have a dispensary? A. That is the same; we only had the lying-in room one year.

Q. And they had the dispensary? A. Just the same closet.

Q. A long closet, the same as this? A. Well, the medicines were kept in the hospital closet for the lying-in, when they were in the hospital.

Q. Oh, certainly; the same closet. They went to the same closet. Did they have any in the foundling? Did they use to have any medicines in the foundling ward, or were they left to die without medicines? A. I don't know anything about a medicine closet in the foundling; I know they have a little closet there now, and it may have been there always, but I didn't notice it until lately. I don't know whether it has any medicines in it or not.

Q. Well, now, does not the nurse in the hospital have free access, whenever she chooses, to the medicine closet? A. The nurse? I never give medicine unless it is prescribed.

Q. I don't ask that question. A. Yes, sir; we have access to the closet.

Q. And you could have given it all if you had been so bad, couldn't you? A. Why, no, sir. I could, of course; but I didn't.

Q. I wanted to know whether you had the full control.

Now, take this case, when you were in the lying-in hospital. A child was a little fretful from want of sleep. Would you go and call the doctor before you gave it a drop of paregoric or not? A. No, sir; if it was only a little fretful I would give it a few drops of peppermint and water. Peppermint, hot drops and ginger we are not supposed to go to the doctor about.

Q. I suppose a woman knows just as well as anybody about that. You would give a child a drop of peppermint, or a drop of paregoric, or camphor, without an order? A. I never give paregoric without an order.

Q. Now, what else besides peppermint? A. Peppermint is all that we give the babies without an order.

Q. Well, any one of the female physicians would give it? A. I don't know what they gave.

Q. Why, pardon me; didn't Nellie Marsh used to give it? A. Nellie Marsh was not a physician when I was there.

Q. What? A. Nellie Marsh was not there as a physician when I went there.

Q. Was she ever? A. I heard she was before I went there.

Q. Hasn't she been there since? Seen her since? A. Yes, sir; I have seen her.

Q. Hasn't she been there as a physician? A. No, sir. She went to Europe soon after I went there.

Q. Let us see what the record says. [Referring to an auditor's report.] Here is the report for 1876, when you were there. Do you know whether she was there or not? Did she draw her pay regularly? Helen M. Marsh, assistant physician. Would not the report published in 1877 for 1876 be correct? You were there in the spring, you know. You don't mean to say they paid her if — A. I went there in August, 1876.

Q. Did she go away after you got there? A. She was not a physician when I went there. She went to Europe after I went there.

Q. That is, she had gone to Europe before you got there? A. No, sir; after I went there; a short time after I went there.

Q. She left and went to Europe. Well, wasn't she a physician at the time you went there? A. No, sir.

Q. And you are sure you went there in 1876? A. Yes, sir.

Q. Then you and the book disagree. How much of the

time did old Mrs. Marsh spend in the hospital? A. Mrs. Marsh was not much about the hospital when I was there. It was under the doctor's control, and she only came there to visit.

Q. Did you know of her giving any orders anywhere else?

A. I don't know what took place in any of the wards outside of the hospital.

Q. You don't know what took place anywhere except in your own ward? A. No, sir. I had as much as I could do to take care of my own ward.

Q. Then you don't mean to say whether they were kicked, pounded and knocked about in any other place, for you were not there? A. No, sir; I never saw one.

Q. Can you tell me; do you remember, — all you know is what was done for the women in your hospital? A. Yes, sir.

Q. Now, you never saw a hand laid upon one of those women, except to wash them, and to take care of them. A. Sometimes they don't want to go into the bath, and when they don't, we have had to put them in; when they first come.

Q. Who takes them up and puts them in? A. The nurses do, with the help of some of the women, if there are not nurses enough.

Q. Well, these are sick people; how often did it happen that they would not want to go into the bath? A. Well, it don't happen very often; there is, occasionally, one. I don't remember any particular case.

Q. Well, those are sane women? A. I think insane from drink.

Q. How often do you bathe those patients? A. We bathe them once a week.

Q. Where do you bathe them; in what bath-tub? A. In the bath-tub in the bathing-room; and those, if there are any, that are very sick when they come in, we sponge-bathe them on the bed.

Q. Precisely. You put in eighty odd, more or less, through that bath-tub? A. No, sir; not all of those.

Q. What was your bathing day? A. Friday. Now, we have two days.

Q. How long has that been going on? A. Since we changed to the new hospital; since the building was divided up.

Q. It was formerly once a week. A. Yes, sir.

Q. And bathing day was Friday? A. Yes, sir.

Q. What time did you begin in the morning? A. In the summer-time, if very hot, we commenced quite early in the morning; say about seven o'clock.

Q. What time did you use to get through when you commenced so early? A. I don't remember; in the forenoon.

Q. Before twelve o'clock? A. Yes, sir.

Q. How many attended to the bathing part of it? A. Where we were first, one nurse sent the women up to the bathing-room, and the other nurse saw that their clothes were changed, and I combed their heads.

Q. They were all sent up there at a time, I suppose? A. No, sir; two or three at a time.

Q. How many? A. Two or three. There was a room. They went out, and the others came in.

Q. And when it was cold weather you began later in the morning. Why? Because the rooms would not get warm? A. We began to get through our work, so that we could go at it.

Q. You began to get through your work. About what time would that be? A. Well, we got through breakfast, gave out the medicine, and then we were ready for bathing.

Q. What time would that be? A. Breakfast comes about quarter-past seven; the medicine we give out, I should think, about eight, or half-past eight, or along there, just as before.

Q. Well, in those days, when did you get through; before dinner? A. Yes, sir.

Q. What time is dinner served; twelve o'clock? A. At one o'clock for the inmates.

Q. One o'clock for the hospital? A. For the hospital.

Q. You got through before dinner. Well, there was one bath-tub, and you drew it full enough of water for the purpose of bathing a person? A. Yes, sir.

Q. Gave them plenty of water, I suppose? A. Yes, sir.

Q. And then how did you heat it; by steam, or by drawing hot water. A. Drew in hot water. There was cold and hot water right over the bath-tub.

Q. You would draw into the bath-tub hot water and cold water, so as to temper it readily? A. Yes, sir.

Q. Get enough to bathe a person; they would get out, then you would let that water run off, then you would draw in some more, and put in another, and so on? A. Yes, sir.

Q. And when one refused to go in for any cause, why then

it was a little more fuss, and you had to put them in? A. Yes, sir.

Q. About how many did you sponge out of the eighty-one? A. We sponged all the consumptives and those that were sick. I cannot tell how many; there were different numbers every week. Sometimes twenty, or there might be more.

Q. There might be more or less, but twenty. Then we have got sixty; and you always changed the water every time? A. Yes, sir; I always did.

Q. Never failed. Now, you had from half-past eight until one o'clock to put about sixty people through there; drawing the water into an ordinary bath-tub and letting it run off? A. We had two bath-tubs in the room that we are speaking of.

Q. I thought you didn't have but one. A. That is in the new hospital.

Q. I was talking about when they had but one; where there isn't but one now. A. It is divided up.

Q. I was talking about the long hospital. A. The buildings are separate.

Q. I asked if you bathed them all in that bath-tub, and you said you did. Now you think you bathe them somewhere else, because you see it would allow only about three minutes to draw the water, bathe a person, and let the water run off. A. That was in the long hospital; I was talking about the new. There is a bath-tub in No. 18.

Q. I want to go back to the long hospital where there was only one. A. There are two bath-tubs in the long hospital.

Q. Now there are two? A. Yes, sir; always were.

Q. Where was it there was not but one? A. That is in the new hospital where there isn't but one.

Q. Didn't you tell me that you bathed them in a bath-tub in that room? A. Yes, sir. I mean there are two tubs, and we have always used two.

Q. Pardon me; didn't you expressly tell me there was but one, and that you bathed them in that bath-tub? I fixed that down before I went on, because I saw where you were likely to fly the track. A. Well, we always used two bath-tubs.

Q. Always? A. Always in the long hospital.

Q. Well, in the women's hospital? A. That was the women's hospital, the long hospital.

Q. You always, in the hospital that you had charge of, used two tubs? A. I did, in the long hospital.

Q. Always in the hospital that you had charge of did you use two tubs? A. Yes, sir; while we were in the long hospital.

Q. Well, leave that out. Did you always, in the hospital that you had charge of, use two tubs? A. Bathing days we did.

Q. Of course you didn't use them when you didn't bathe. A. Well, we have them come in about every day from outside to be bathed.

Q. I am asking about bathing days. Now, then, what hospital did you refer to when you told me that you hadn't but one bathing-tub, and you used that for bathing them? A. That is the new hospital.

Q. Now, then, how long since you have been bathing there? A. Well, since the bath-tub was put in there.

Q. How long ago was that? That was in 1876, was it not? A. No, sir.

Q. It is within a year? A. I should think it was.

Q. Now, didn't some of those women object to bathing in those tubs? A. They don't object where they are in right along; it is those who come in from outside that object. Those that came in from the outside objected; I don't remember any particular one, but there were some.

Q. And those that have got used to it don't object? A. No, sir.

Q. What was the objection of the people from the outside; didn't they like the water? A. Well, some said they never had a bath and they didn't know but it would kill them if they got into the water. Some thought it would really kill them to get into a bath-tub; and after that I would have to put them in.

Q. That is right; but I should like to know, now, if there was any objection as to the water. A. Objection to the water?

Q. Yes. A. I don't remember that there was.

Q. Do you swear there was not? I don't want any failure of memory. A. That patients objected to going into the water?

Q. Yes; to going into the water. A. No; only those I have spoken of. There might be a few from the outside.

Q. The regular ones? A. No, sir.

Q. I want to know, whether they came from the outside or the other side, from heaven or the other place — did they ob-

ject to the water? No failure of memory now, if you please. A. Once in a while there would be some, and I would let them go with a sponge-bath.

Q. Did they object to the water? No qualification. A. They didn't object to the water; only there would be, perhaps, a few cases that would, perhaps, rather have a sponge bath.

Q. There were some cases where they would have a sponge bath. Did they make objection before they started, or after they got up there, got up to the bath-room? A. They would object before they got there.

Q. Don't you understand what I want to know now? I want to know whether they objected on account of the water. A. On account of the water?

Q. On account of the water. A. There was nothing against the water.

Q. Haven't you seen it when they thought the water was dirty? A. I have seen it when they thought so, but I have never bathed two people in the same water in my life, never.

Q. You never did? A. No, sir.

Q. Did anybody object on account of the water? A. No, sir.

Q. No; never? A. They have said that somebody had been in there, and I have told them that there had not, but that it was the soap in the water.

Q. Sometimes you put the soap in before they got in, and they would say somebody had been in there, and you told them there had not? A. Yes, sir.

Q. They objected to the water, but it was on account of the soap; is that so? A. Yes, sir.

Q. Did that happen frequently? A. Not frequently.

Q. Every day? A. I don't suppose it happens more than once a year.

Q. But about once a year they objected on account of the soap? A. They didn't know it was soap. When I had put the soap in they said some one had been in there, because they didn't see it go in.

Q. Well, you put the soap in before the patient got in? A. Yes, sir.

Q. Every time? A. Yes, sir; most every time.

Q. Soft soap? A. Yes, sir.

Q. And it would color the water? A. Yes, sir.

Q. Could not see the bottom of the tub? A. Yes, sir; I

think you could; I don't think there was enough put in for that.

Q. You think so? A. Why, yes; I didn't put but a little in.

Q. It didn't discolor the water any, did it? A. I don't know.

Q. They thought it looked as though some dirty person had been bathed there? When they made that objection did you put them in? A. Yes, sir; I always told them it was not so, and that we never did put two in the same water.

Q. I understand. You told them it was not so. Then they would not believe you and you would have to put them in? A. No; I don't remember that I had to force anybody in for that.

Q. But you put them in? A. They went in; yes, sir.

Q. Now, was not the pond there in your time? A. I suppose it was, for I went through the asylum, and Mr. Barker showed me the pond. I didn't know that they bathed in it.

Q. Mr. Barker showed you the pond? A. We went through with company.

Q. Mr. Barker showed you the pond as one of the sights. What did he show it to you for; as the place where they kept trout, or where they did the bathing? A. He said it was where they did the bathing; that was all.

Q. Didn't he say that all had to bathe there? A. I don't remember.

Q. What? A. I don't remember what he said about it. only he said they bathed there.

Q. And you don't know what he said about it? A. No, sir.

Q. You are sure you don't? A. No, sir; I don't.

Q. Then, for aught you know, he said: "There, I have to bathe all my people in this pond here without changing the water." A. I don't know what he said.

Q. You don't know but what he said that? A. Except that he showed us the pond.

Q. He showed you the pond and said something about it: but whether he said: "This is the place where I put all these people in and bathe them without change of water," you don't know? A. I don't remember.

Q. Then why did you swear so glibly, just now, that he never made any complaint? A. He didn't make complaint: he simply showed that.

Q. How do you know he didn't complain? You cannot remember what he said. A. I don't remember of his making any.

Q. I know you don't remember; therefore you cannot say whether he complained or not. A. He was showing the men's side to the company I took there, and he showed this the same as he did the dining-room. I don't remember that any remarks were made.

Q. You cannot remember what he said about the dining-room? A. No, sir.

Q. You cannot say whether he complained of that, then? A. No, sir.

Q. Of course not. Then he showed other things, and you cannot say whether he complained about them. Now, did you ever hear of anybody that got hurt at the institution by any accident? Let me see if I can help your memory a little. Did you hear of a man who got struck with a pickaxe? A. I read it in the paper; that was the first I knew about it.

Gov. BUTLER. I never saw it in a paper.

The WITNESS. I think it was in the paper.

Mr. BROWN. Yes; you had it yesterday, Governor.

Gov. BUTLER. I asked if they had heard about it.

Mr. BROWN. We have never heard of it.

The WITNESS. I have heard of it, and I think it was in the paper.

Q. How long ago did you hear about it? A. It was within a day or two.

Q. Where did you hear it? A. I cannot tell you that.

Q. Well, weren't you there when the man got hurt with a pickaxe? A. I don't know.

Q. Don't you know whether you were? A. I don't know anything about it, and I don't know whether I was there or not, or when it was done.

Q. Didn't you know of this occurrence when it took place? A. No, sir.

Q. How do you know you didn't until you know what it is? This is it: Insane people were out in the yard. One of them was set to digging a hole with a pickaxe, and he came to the conclusion that he would dig a hole in the head of one of the others, and he proceeded to do it, and killed him. Now, didn't you hear about that? A. No, sir.

Q. You know so little of what took place there that all that

might have happened and you not know it. One of the inmates might have been murdered and you would not know anything about it? A. I know very little, except about things in my own department.

Q. Even that would not be a matter to attract your attention. Now, let us see about another person. Do you remember a man that used to work in the foundling hospital, he was called Alley, an Englishman—you being a Nova Scotian would be likely to have been attracted to him a little. He used to work up in the foundling hospital, didn't he? A. I don't know any such man. Was he an inmate?

Gov. BUTLER. I think he was; his name was Tom Alley.

The WITNESS. I don't know him, sir.

Gov. BUTLER. And he was an Englishman and he used to work in the foundling hospital, and he was sick, and he was ordered to do work, and afterwards claiming to be sick, he was taken and imprisoned; and there was a little trouble about it, and then he was sent back to England.

The WITNESS. I never heard a word about it.

Q. You never heard a word about it? A. No, sir.

Gov. BUTLER. I wish you would call back Mr. Smith, Mr. Brown.

Mr. BROWN. Henry A. Smith, the nurse?

Gov. BUTLER. Yes, sir.

Q. Now, I want to ask about another matter. You have been brought here to say that this institution has been managed just as well as it could be. I want to see how far you know. Do you remember the last time Gov. Long was there? I mean the time when he came last and the council didn't come with him. Do you remember the fact of his staying all night, and making a political speech? A. When he lectured? Yes, sir: I attended the lecture.

Q. What? You attended the lecture? A. Yes, sir.

Q. That was in 1879, was it not? A. I don't know what year it was.

Q. It was a political lecture, was it not? A. Yes, sir.

Q. And the governor made a speech at Tewksbury. Did you go out with him? A. No, sir; I didn't go with the governor.

Q. Did you go at the same time he did? A. I don't know what time he went. I went with some of the others.

Q. Well, he stayed all night? A. I don't know; I saw him in the morning.

Q. You saw him in the morning and you saw him in the evening? A. Yes, sir.

Q. Well, "the evening and the morning were the first day?" A. It was at the village I saw him at the lecture, and in the morning he was at the institution.

Q. You saw him in the evening at the village, and in the morning at the institution. How early? A. I don't know.

Q. Pretty early. He went away on the eleven o'clock train, I suppose? Don't you know he was there as the guest of the institution? A. He might have been; I don't know.

Q. Don't you know? A. I don't remember.

Q. I want to find out how much you know about that institution and its management. Didn't you find out that he was the guest of the institution? A. The governor came there, but I could not say he stayed there over night.

Q. Of course not; I didn't suppose you could. A. I don't remember.

Q. You know whether he was there as the guest of the institution? A. I could not swear to it.

Q. Why not? I don't know that you know by sleeping with him or anything of that kind. A. I don't go to the Marshes' rooms; I have as much as I can attend to at the hospital.

Q. But you are not very busy in the evening, because you were all out on that night. You hadn't so much to do but that you could go to a political meeting? A. Yes; but then I don't go to the Marshes' rooms.

Q. But, now, don't you know, honestly and fairly, between us, between you and I, don't you know that Gov. Long stayed there that night? A. No; I could not swear, because I did not see him there.

Q. No; because you didn't see him there all night. How could you, in that ward, unless you attended to him all night; because he might have got out? A. The first I saw him was going towards the gate in the morning.

Q. You saw him going out of the gate in the morning. Very well. Now, that was three years ago, — four years ago? That was in 1879? A. It might have been; I don't remember.

Q. Did you see my brother Brown there? A. Yes, sir.

Q. That was last year? A. Yes, sir.

Q. Do you know whether he stopped at the institution all

night? A. I don't know; I saw him just about the same as I did the governor.

Q. Well, I don't want it to look as though, by my questions, I was inculcating these gentlemen at all; I only want to know whether you saw them, as you would any other guest coming to the house to stop — distinguished guests, I mean? A. Well, sir, the hospital needed my attention and I was in the hospital.

Q. Did you go to hear brother Brown? A. Yes, sir.

Q. Oh, certainly. And Mr. Thomas Marsh presided at the meeting, didn't he? A. I rather think he did.

Q. Don't you know that he did? And you remember, don't you, that he said that — at the time the governor was there — at this meeting, don't you know he said that General Butler said at Salem that the first thing he would do, if he was elected, would be to get the Marshes out, but that he never would. Don't you remember about that? A. I heard that you had said so, but I cannot swear that I heard it there that evening.

Q. I know; but didn't Marsh say it? Yes; I said it, and I have done it, too. Well, now, then, did you go out to the flag-raising at the village? A. A year ago?

Q. Yes. A. No, sir.

Q. Did you at the other one in 1879? A. My sister and I walked down, but we didn't stay a great while; we came right back.

Q. You were there at the flag-raising. Did Tom Marsh get out the flag there? A. I don't know who got it up; I think the flag was up before we got there.

Q. Before you got there. I won't trouble you any further. I was showing how little you knew of what was going on there; I won't pursue it any further. Now, Miss McKinnon, the management have cut you off with one nurse only? A. The nurse left, and they have not replaced one.

Q. Who was she? A. Mrs. Russell.

Q. Did you know Mrs. Rowell, who was there as a nurse? A. I used to know her at Taunton; she was an attendant there at the time I was.

Q. Where is she, do you know? A. I do not.

Q. Where did you hear from her last? A. Well, I cannot remember where I heard she was. The last time I saw her was at Tewksbury.

Q. When was that? A. When she was there as nurse.

Q. Haven't you heard from her since? A. I have heard of her, but I cannot remember what I heard about her.

Q. Now, you have shown us how little you know except about your own department, and then you have told us there was never any institution better managed than that? A. I didn't say better than that; I didn't say better managed; I think it is managed as well as it can be.

Q. Pardon me, when you said it was managed as well as it could be — what did you mean when you said the Marshes and the doctor — Dr. Lathrop, I suppose you mean — managed the institution as well as they could, as well as it could be done; what did you mean if you didn't know anything more, except about your own room? A. Of course I could only speak as far as I knew.

Q. Why haven't you done us the favor to put that in before — “as far as I knew, and I only knew about my own department?” And you now, on your oath, say that since 1876 you never have heard of anything happening there that was a source of complaint by anybody, in any way, until this investigation — leave that out — that from 1876 down to the time this investigation began, there was nothing happened, no complaint ever made, nothing had happened that you ever heard of; that is what you mean to say; nothing, of any sort; no complaint ever made of anything; everything comfortable and lovely, everybody satisfied, everybody happy, and no complaint made — you mean to say that, do you? A. No, sir; I do not.

Q. What complaint did you hear? A. At various times the inmates are very ungrateful.

Q. What? At times there are some that are very ungrateful? A. Yes; the inmates.

Q. There are a great many ungrateful people in this world, and a great many of them get into Tewksbury; well, those ungrateful ones do complain? A. They do, in all the institutions I have ever been in.

Q. I understand; they are always complaining. But I leave out the other institutions. I only want Tewksbury. Then a good many of these ungrateful people get there, do they? A. Yes, sir.

Q. And these ungrateful ones complain of how they have been kicked and pounded, haven't had enough to eat, food poor, and everything of that sort — these ungrateful ones; I am only speaking of them now. Is that what they complain of, — find-

ing all sorts of complaints, — got into dirty water, and the Lord knows what? A. No, sir; they never got into dirty water.

Q. You never put them in, I understand; I hope you didn't; although they might be ungrateful and mistake soap for dirt. Now was not that what these ungrateful people complained of? Now, fairly, didn't some of these bad people go away and make — I suppose false complaints — of the water; but they were complaints? A. I know they complained, but I cannot tell just what they complained about.

Q. A good many of them complained? These ungrateful people, they are always complaining? A. There are a great many who have gone away very grateful.

Q. Leave out the grateful; I am after the ungrateful? A. I don't remember any particular thing they have said.

Q. I don't ask about any particular thing. They complained of all manner of things, I suppose, that they ought not to, but still they did complain, didn't they? A. Some of them.

Q. Some of them that they didn't get good clothes? A. No, sir.

Q. That you would not be likely to know about. You didn't clothe them when they went out? A. No, sir.

Q. So you would not be likely to know. But some complain of the way they were treated even in your room, as well as you treated them? — Now, with these ungrateful people complaining, why did you tell Mr. Brown you never heard any complaint? A. That was from the officers; that was from Mr. and Mrs. Dudley and Mr. and Mrs. Barker.

Q. All you mean is that you didn't hear complaints from Mr. and Mrs. Dudley, or Mr. and Mrs. Barker? Now, were not the Dudleys, when they were there, considered pretty good people, who took pretty good care, and were not they thought well of? While they were there, — they have behaved pretty badly since, — but you know people grow worse when they go out of a good institution. Now, were not they pretty well thought of when they were there? A. I don't know what the Marshes or the doctors thought of them.

Q. You dined with them all the time? Did you know anybody that didn't think well of them? A. I have nothing against them.

Q. Did you hear anything against them, then, while they were there? They were thought good average people, were they not? A. I think they were when they were there.

Q. And that would apply to Mr. and Mrs. Barker, wouldn't it, while they were there? — Answer as quickly as you can, because I am getting to be an old man. — Well, now, then, let us see if there is anything you know. Did you ever know or hear in any way that anybody was sent away from that institution to be dissected? A. I heard there was, but I didn't know whether it was true or was not.

Q. You didn't know whether it was true or not? Did you hear of that pretty soon after you went there? A. I was there some time before I heard it.

Q. Did you hear that they went away in the night? A. Yes, sir.

Q. And did you hear at any time that somebody had robbed a grave? Did you hear it talked about among the inmates and other people that somebody had been there in the night robbing graves? A. No, sir.

Q. Never heard about that? A. No, sir; I never heard the inmates talk about it.

Q. Did you ever hear the officers talk about it — that somebody had robbed some graves? A. No, sir.

Q. Now, you were there during the time of this infant mortality, when seventy-one of them were sent there and died; and being a kind-hearted woman, you, of course, were interested in them? A. That was not in my department.

Q. How many infant burials did you ever attend in your life? A. I could not tell you. They have services there Sunday afternoons, and sometime the minister would perform the funeral service, and we would stay through it. I never went there especially for that purpose.

Q. You never saw a funeral any other time than Sunday? A. I never went to them.

Q. You never went to one except on Sunday. Did you ever see a funeral over an infant when its mother was not there? A. No, sir; I don't remember of any.

Q. Were you there at the time — Oh, yes; you covered the time when the blocks of wood were blessed and prayed over — did you hear of that at the time? A. No, sir; I did not hear of it until I saw Mr. Chase's testimony.

Q. Did you hear of it afterwards? A. Not until I saw Mr. Chase's testimony.

Q. Did you talk it over up there? Did you talk it over with Mr. Cocker? A. No, sir; I don't remember that I ever did.

Q. You heard it discussed there? A. Yes, sir.

Q. And there were some people who knew about it, wern't there? A. I don't know that anybody knew about it.

Q. But after it came out, there were people that did know about it? A. I don't know that they did.

Q. Didn't they say they did? A. No, sir.

Q. Well, now, did you know anything about what was done with all those babies that died? A. No, sir; I supposed they were buried.

Q. Did you ever see their graves? A. Yes, sir; I have been there.

Q. How many of them? A. I could not tell you. There was a great number; there were a great many crosses.

Q. What? A. There were little white crosses above their heads, with the name and age on the cross. That is the way I knew they were babies.

Q. Now, then, did you ever attend, except on Sundays, the funeral of a grown person? Did you know the tailor that was there? A. No, sir.

Q. You didn't attend his funeral? A. No, sir; I didn't know he was dead.

Q. He had been there a good while, and you didn't even find out that he was dead?

Mr. BROWN. You mean Parks.

Gov. BUTLER. The tailor.

Mr. BROWN. He was a tailor; but you refer to a man who was named Parks.

Gov. BUTLER. She might not remember his name, but a tailor is a pretty important man in such an establishment.

Mr. BROWN. He is, to a woman.

Q. Did you know a watchmaker there? A. There used to be a gentleman in the old men's ward that they said mended jewelry; I don't remember his name.

Q. You knew him. Do you know whether he died or not? A. I don't know.

Q. Did you attend his funeral? A. I don't know whether he is dead, or whether he is in the institution.

Q. Neither the tailor nor the watchmaker. Did you know this Mary Tynan? A. Yes, sir; I have seen her there. She has been in the hospital a short time.

Q. What for? A. She has been treated. She had her

hands cut with glass, and she stayed there until they were healed.

Q. Where did she get that done? A. In Boston, she said.

Q. How lately was that? A. Some time ago; I should think it was within a year.

Q. Did you and your sisters occupy the same room? A. Sleeping-room?

Q. Yes. A. My sister Reina and I did; Mary and I did the first part of the time. At the first my sister was on the night-watch. My sister Sarah was there alone, I and Mary were there together, and Reina and I; and I have been there alone about two years now.

Q. Where are your sisters now? A. Two of them are out West.

Q. And the other is where? A. She is in Spencer, Mass., or was, the last I heard from her.

Q. (Mr. BROWN.) I understood you to say that when Mr. Barker showed you this pond it was before you became officially connected with the institution? A. No, sir; it was after I was there.

Gov. BUTLER. I shall have to ask another question that I forgot.

Mr. BROWN. I will let you finish before I go on.

Q. (By Gov. BUTLER.) What made you leave Taunton? A. I left Taunton with the intention of going home.

Q. I know you did; but what made you leave? Weren't you discharged? A. No, sir; I was not discharged. Dr. Godding and I had a misunderstanding, so I told him I should leave.

Q. You were not exactly discharged, only Dr. Godding and you had a misunderstanding. Was not that about the way you treated the inmates? A. No, sir.

Q. What was it about? A. It was the day the trustees were there. I had charge of the front hall and the dining-room, and the other one of us was to remain in the hall and fix the dinner for the others. I left a woman in attendance, and I was not out more than five minutes before I went back into the hall; when I got back this woman had taken up a big settee and broken it in pieces.

Q. An insane woman? A. Yes, sir.

Q. What did you do to her? A. I didn't do anything to her, but the doctor came down, and he thought I was to blame

for not staying in the hall. He said afterwards that he did not understand it right or he should not have said anything.

Q. Dr. Godding? A. Yes, sir.

Q. But at any rate you left about that time? A. Yes, sir; I have got a recommendation that Dr. Godding gave me.

Q. I have no doubt. A. And a letter where he wanted to let me go to a friend of his.

Q. How was it at the Massachusetts General Hospital; did you leave there? A. Yes, sir; the training school were taking the wards there, and I thought of doing private nursing; but my sister was in Tewksbury, and I thought it would be well to go with my sister.

Q. (By Mr. BROWN.) You were going to say what Dr. Godding said he should have done if he had understood? A. He said to a friend of mine afterwards that if he had understood that it was my duty to be in the dining-hall it would have been different.

Q. He found some fault? A. Yes, sir. I left it alone five minutes, I should think, and while I was gone the settee was broken.

Q. (By Gov. BUTLER.) Is this what Dr. Godding told you? A. No, sir; he told a friend of mine.

Mr. BROWN. You put it in, I think.

Gov. BUTLER. Oh, no; she put it in.

Q. (By Mr. BROWN.) After you left Taunton you went to the Massachusetts General Hospital, or to Tewksbury? A. I went to the Massachusetts General Hospital.

Q. And stayed there four years? A. Yes, sir.

Q. And used his recommendation at the Massachusetts General Hospital, did you? A. I told Dr. Shaw I would give him one, and he said he didn't care for any; I handed it out to him as he was saying so, and he said it was good. I have it here, if you would like to see it.

Mr. BROWN. I would like to see it. We might as well have recommendations from both Dr. Godding and Dr. DeWolf.

[Passing to Gov. Butler the recommendation of Dr. Godding.]

Gov. BUTLER. There can be no objection to that.

The WITNESS. I didn't ask him for that; he gave it to me.

Gov. BUTLER. This don't cover the point I want.

Mr. BROWN. I didn't suppose it would.

Gov. BUTLER. I didn't, either. You and I think alike. She

has been an attendant; she is a young lady of pleasing manners, having considerably more than average ability in the care of patients—

MR. BROWN. You don't like that?

GOV. BUTLER. Oh, yes; I do. She is a good worker, and bears an unblemished moral character.

MR. BROWN. You don't like that?

GOV. BUTLER. Oh, I like that perfectly well. But she is a little rough on the patients.

THE WITNESS. You don't see that there, do you?

GOV. BUTLER. No; that is not there, but it will be when we get the doctor.

MR. BROWN. You don't find anything of that kind there?

GOV. BUTLER. No; I do not.

MR. BROWN. I will read it, and see whether the committee find it. [Reads.]

“TAUNTON LUNATIC HOSPITAL.

“W. W. GODDING, *Superintendent*.

JOHN KITTREDGE, *Treasurer*.

TAUNTON, MASS., January 13, 1872.

“Miss Lizzie McKinnon has been for the year past an attendant on the insane in this hospital. She is a young lady of pleasing manners and address, having considerably more than average ability in the care of patients. She is a good worker, and bears an unblemished moral character.

“W. W. GODDING, *Supt.*”

GOV. BUTLER. What I objected to was, that I didn't find she was amiable and kind—

MR. BROWN. If you will just tell us what point you want covered, we will send for Dr. Godding and have it covered.

GOV. BUTLER. Send for him.

MR. BROWN. The next one is dated Halifax, Nova Scotia—

GOV. BUTLER. By the way, I have not seen that. [Receiving the testimonial.]

THE CHAIRMAN. Dr. Godding is in charge of the Washington hospital.

THE WITNESS. He is now, but was for several years at Taunton.

MR. BROWN. A private hospital at Washington?

GOV. BUTLER. The National Hospital.

THE CHAIRMAN. For soldiers.

GOV. BUTLER. St. Elizabeth?

The CHAIRMAN. Yes, sir.

Gov. BUTLER. That is a public hospital; and a very good man, too. This [testimonial] is all right, and very good.

Mr. BROWN. Anything there that is not covered?

Gov. BUTLER. Not much. She was a young lady then — August 31, 1870. A very good one. [Reads.]

“These are to certify that Elizabeth McKinnon has been for two years engaged as assistant attendant at this hospital. She has proved herself kind and considerate, honest, industrious and deserving. She has our best wishes for her welfare.

“JAMES R. DEWOLF, M. D.,
“Superintendent.

“N. S. HOSPITAL FOR INSANE,
“HALIFAX, 31st Aug., 1870.”

Q. (By Gov. BUTLER.) Have you got the Massachusetts General Hospital one there? A. I have not. There are plenty of doctors there that know what I am.

Q. (By Mr. BROWN.) You didn't ask for any? A. No, sir; I can get one at any time by going to see the doctors or nurses there.

Gov. BUTLER. I should think you could.

Q. (By Mr. BROWN.) Now, as I understand, in regard to Mr. Barker, he didn't make any remark, that you recollect, in regard to the pool? A. No, sir; I don't remember only that he showed us the pool.

Adjourned until Thursday, May 31, at 9.30 A. M.

FORTY-FIRST HEARING.

THURSDAY, May 31.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester, in the chair.

TESTIMONY OF HENRY A. SMITH (*recalled*).

Cross-examination by Gov. Butler resumed.

Q. Mr. Smith, I want to ask you some questions. Do you remember a colored man that you helped to lay out? A. I have laid out several. I don't know —

Q. What? A. I have laid out several colored men. We have had quite a number of colored men there.

Q. I have no doubt, but do you remember one whose face was eaten by the rats? A. Yes, sir.

Q. You do. When was that? A. Well, it was this winter.

Q. What? A. This winter.

Q. What time this winter; give us the date? A. I think it might have been along in January or February.

Q. January or February this winter? A. I could not tell the exact time; it was one day this winter.

Q. Was he one of your wards? A. Yes, sir.

Q. And where was he? How soon after his death was he laid out? A. It all occurred in the night when I was —

Q. Excuse me; answer my question, if you please. Answer it exactly, because you see you forgot this before. How long was it between the time he died and the time you laid him out? A. I think he died somewhere about eleven o'clock; I won't be positive about that, and I laid him out in the morning after.

Q. He died about eleven o'clock. Where? A. It was in the back room.

Q. Off from the kitchen? A. A small room off from the kitchen.

Q. What was the matter with him? A. Well, he was sick and insane; troubled with his mind mostly.

Q. Was he an old man? A. No, sir: he was somewhere in the neighborhood of thirty odd, I think.

Q. About thirty odd? A. Yes, sir.

Q. How long had he been sick? A. Well. I think he had been there about a year. I had him in both parts.

Q. How long had he been sick? A. He had been sick all the time he was there.

Q. What of? A. His troubles would be in his mind, and he grew feeble.

Q. Well, he didn't die of trouble in his mind? A. He died from general wasting away, I should say.

Q. Had he been in the hospital? A. Yes, sir.

Q. How long had he been in the hospital? A. Well, he hadn't been in the regular hospital. He had been with me in the long ward, and then he was removed. I went to the short ward and he was removed.

Q. He had been with you in the long ward, the old men's ward? A. Yes, sir.

Q. The old men's convalescents' ward? A. Yes, sir.

Q. And he remained in the convalescents' ward, the long ward, how long? A. Well, after I was taken sick, —

Q. Leave out yourself and answer my question. How long was he in the long ward? A. To the best of my memory he must have been there eight or nine months.

Q. He was there eight or nine months in the convalescents' long ward. Then he was removed where? A. Removed to the short ward, where I am now.

Q. How long was he in the short ward? A. He was there until he died; some three months, I think.

Q. Do you mean this little room off of the kitchen? A. No, sir.

Q. How long was he in the short ward before being removed to the room off of the kitchen? A. I think he was put in there when he came in.

Q. When he came in from where? A. From the long ward.

Q. That is, he never went into the short ward at all? A. I think not. I think he was removed while I was absent. I think he was brought in there while I was absent from the ward.

Q. How long were you absent at that time? A. I was absent a month.

Q. A month. Last January? A. No, sir; last fall.

Q. Then last fall he was carried into this room? A. Yes, sir.

Q. What was the matter with him? A. I think they called it debility or wasting,—failing, wasting away.

Q. Who was there to attend to him in this place off the kitchen? Let us have a little description of that. A. Well, there was a nurse there; we had a night nurse.

Q. Who was the nurse? A. Well, there was a nurse whose duty it was to look out for both hospitals, I suppose.

Q. Pardon me; I am not asking about any one who had to look out for both hospitals. This was not a hospital, this little room. About how large is that room? A. Well, it is a small room; I should not think it was more than twelve by ten feet.

Q. What was kept in that room generally? A. Well, there were two beds in there; and there was nothing kept there except there was a little closet there—a closet off of the room.

Q. What was kept in that? A. Brooms, pails, etc.

Q. It was a sort of outer kitchen, with a closet for occasion, and there were two beds. Anybody in either of the beds? A. Yes; there was a patient in the bed at the time—in the other bed.

Q. Who was that patient? A. The patient's name is Carroll.

Q. Alive or dead? A. He is alive.

Q. Well, now, when did you learn that this man was eaten by the rats? A. Learned it in the morning when I came down.

Q. When did you learn that he was dead? A. I think they told me he died about eleven o'clock. I didn't learn that he was dead until I came down in the morning.

Q. At the same time you learned he was dead you learned he had been eaten? A. Yes, sir.

Q. Now, who was his attendant in that ward? A. I don't remember; we have had several inmates.

Q. I know; but failure of memory won't help you much now, Mr. Smith. This was only last February. A. Well, I have had three or four or half a dozen since then.

Q. I have no doubt. Any more of them eaten by rats? A. Never knew of any other eaten by rats.

Q. Now, then, very well, I want to call your attention par-

ticularly to this one. Where was he eaten? A. He was eaten on the face.

Q. How much? A. Well, he was eaten above the eye, a little on the cheek and a little on the lip—the lower lip.

Q. Now, do you know whether he was eaten while he was alive or dead? A. I cannot say, sir. I should say —

Q. Now, then, whose duty was it to attend upon him, if it was not yours? A. It was the night watchman's.

Q. That night watchman goes all around the whole establishment. A. No, sir; he is in the two wards, the long ward and the short ward.

Q. Well, this was neither the long nor the short ward. A. It was off the short ward.

Q. What was that night watchman's name? A. Kittredge; Mr. Kittredge was the head nurse.

Q. No; I want the night watchman. A. Well, he was the head man.

Q. Whether he was head or tail, was he the man that had charge that night? A. He had charge all the time.

Q. Did he have charge that night? A. Yes, sir.

Q. Then he, if anybody, was responsible for this, was he? A. Yes; I should say so.

Q. Was he discharged or is he there now? A. He is not there; I don't know whether he is discharged.

Q. When did he leave? A. He left about the first of the month.

Q. The first of May? A. Yes, sir.

Q. When the change came. He was there up to the time when the change came; yes. Anything done to him at all? A. Not that I know of.

Q. Well, now, Mr. Smith, the other day you told us you never knew of any harm coming to any of your patients? A. No abuse.

Q. No abuse. You don't call that abuse? A. It is not being beaten.

Q. Pardon me; we shall come to that by and by. You have that. Didn't you know of this case when you were sitting here and telling this committee your story? A. I didn't have it in my mind.

Q. You didn't. You had forgotten that little circumstance, had you? I have got to bring to your mind some other things.

Did you know Tom Alley? A. I don't think his name is Alley. I know the man; his name is Alty.

Q. He was an Englishman, wasn't he? A. He was; yes, sir.

Q. And he used to nurse in the foundling department, didn't he; and do drudgery? A. Yes, sir.

Q. Was he a good worker? A. Yes, sir; he was a good man.

Q. Now, when he was sick was he admitted to your ward, ward 19? A. Yes, sir.

Q. Now, didn't Tom Marsh, Jr., order him out to work? A. Yes, sir; he ordered him to go back to the foundling.

Q. To work? A. Yes, sir.

Q. Didn't Alty refuse on the ground that he was very sick and under the advice of the doctor? A. I don't remember his making that remark; he refused to go.

Q. On the ground that he was sick, was it not? A. I could not say what the ground was.

Q. Did you hear the conversation? A. I did.

Q. Now didn't he refuse on the ground that he was sick? A. I don't remember of that being mentioned.

Q. What ground did he put his refusal on? A. Well, he preferred to stay with me; I think that was it.

Q. Now, didn't he say he was sick? A. I don't remember that he said he was sick.

Q. Will you swear he didn't? A. I have no recollection of his saying anything about that.

Q. You have no recollection? Well, you won't swear he didn't; it is only a failure of memory? A. He was well recovered and was helping me at the time.

Q. Hadn't he had the advice of the doctor? A. I think he had.

Q. Now, then, didn't Marsh and another man take hold of him in your presence? A. He refused to go; yes, sir; yes, sir.

Q. Stop a moment. Now, you must answer these questions correctly, my man: I am not going to call these men over again, all of them. I know all about it. Now, didn't Marsh and another man take hold of him? A. French Joe and another man did.

Q. Didn't Tom Marsh? A. He took hold of him at first.

Q. Stop a moment; didn't Tom Marsh take hold of him? answer that question. A. He might at the first of it.

Q. Didn't Tom Marsh take hold of him? A. I think he did.

Q. Don't you know he did? A. I could not say particularly about that.

Q. I am not asking whether you will say particularly; don't you know he did? A. I think he did.

Q. Don't you know he did? A. I could not swear that he did.

Q. Why can't you swear that he did? A. Because he told me to take hold of him.

Q. Didn't he take hold of him? A. I think he did.

Q. Don't you know he did? Upon your oath, sir, don't you know he did? A. Well, I think he did; yes, sir.

Q. Don't you know he did? A. I could not swear to it, sir.

Q. Why not? A. Because it was some time ago.

Q. How long ago was it? A. Five or six years ago.

Q. Very well. Now, then, who took hold of him besides Marsh? A. He sent French Joe and Mr. Barker down to take him away.

Q. Mr. who? A. Mr. Barker.

Q. What Barker; the man who was on the stand? A. Yes, sir.

Q. What was done with him? Then Tom sent for French Joe and Barker? A. Yes, sir.

Q. Did they take hold of him and drag him? A. No, sir; he went willingly; when they came he didn't offer any resistance.

Q. Are you quite sure? A. Yes, sir; I am sure.

Q. He went willingly? A. Yes, sir; he didn't offer any resistance.

Q. Now, did they drag him along, or some of them, so as to tear his coat? A. I might have done so; I tried to get him along.

Q. You might. Did you all three have hold of him? A. No, sir; when they came —

Q. Did you tear his coat? A. I might have done so.

Q. I know you might have done so; I understand that perfectly. You might have torn his head off. Now, did you tear his coat? A. His coat was torn.

Q. Well, I know; who tore it? He went willingly, but his coat got torn. A. I think I might have torn it. I think very likely I tore it. I tried to pull him along.

Q. Who was trying to pull him when you were trying? A. Well, I think Mr. Marsh took hold of him.

Q. Mr. Marsh was pulling at the same time with you? A. He didn't pull much.

Q. He didn't pull much, but his coat was torn. [Applause.] A. He went immediately.

[The chairman ordered the doorkeeper to take notice of those applauding, and to remove them upon repetition of such demonstration.]

Q. (By Gov. BUTLER.) I didn't hear you, sir? A. He went immediately, and sent this Mr. Barker and French Joe down.

Q. Was his coat torn before Barker and French Joe were sent for? A. I think it was. It was an old coat; it was a rotten coat.

Q. Was it torn before Barker and French Joe were sent for? A. It must have been, because he didn't offer any resistance.

Q. After they came? A. No, sir.

Q. He did offer resistance before? A. He did.

Q. How long did you hold on to him before you tore his coat? A. I didn't hold him; he was as strong a man as I was.

Q. I know; but you had Tom to help you? A. Just took hold of him, and when he found that he was not ready to go he sent for assistance.

Q. Who? A. Thomas.

Q. Tom; he went and sent these men. Well, now, then, did you lock him up? Was he locked up in the insane building? A. He was not locked up in a cell.

Q. What? A. He was not put into a cell, he told me.

Q. Leave out what he told you. Was he locked up in the insane building? A. I didn't see him.

Q. Don't you know whether one of your patients was locked up in the insane building? A. He was put in the insane building.

Q. And the door locked, was it not? A. Not in a cell.

Q. Who else was in the insane building? A. Mr. Barker had charge of it.

Q. Whereabouts was he put in the insane building? Was anybody else in it? A. I could not say, sir.

Q. Don't you know that it was an empty room where he was put? A. No, sir; I don't.

Q. Do you know whether it was or not? A. I suppose there was not any one else in it.

Q. Don't you know? A. There would not be more than one in at a time. If he was locked up at all I should think he would be locked up alone.

Q. Now, wasn't he kept on bread and water there? A. I don't know what he was kept on.

Q. Pardon me: he was one of your patients, sir; did you allow him to be there without any attention? A. I didn't attend to him; Mr. Barker attended to him.

Q. Now, then, shortly after was he sent to England? A. Yes, sir.

Q. Now, I want to ask you, didn't he complain of that treatment? How long was he kept there, locked up? A. He said they didn't put him in a cell.

Q. I don't ask that? A. He was in there from one — not over two days, I think. He was in there until he promised Mr. Marsh he would go back to the foundling.

Q. He was in there until he promised Mr. Marsh he would go back to the foundling? A. Yes, sir.

Q. Did he have any doctor while he was there? A. I cannot say as to that.

Q. Did he come back to your room after that? A. No, sir; he went to the foundling.

Q. Did you ever talk with him about it? A. I merely talked with him so much as his telling me — I remember his saying that they didn't put him into a cell.

Q. You remember that. Well, did he like that treatment; do you know whether he complained about it? A. He didn't much complain about it.

Q. I know. Did he complain about it? A. He didn't like it.

Q. Didn't he complain about it? A. Not very much, I don't think.

Q. But did he complain? A. I think he did; yes, sir.

Q. Don't you know he did? A. Yes, sir; he complained.

Q. Complained of the treatment? A. That he didn't like to be locked up.

Q. Now, then, you didn't tell the truth the other day when you told us you hadn't heard of any complaint of ill-treatment by anybody? A. If you call that ill-treatment. He refused to work.

Q. I know he refused to work; but I mean whether he complained rightly or wrongly. Now, sir, you won't swear that he was not sick? A. I said he was sick when he first came into the hospital.

Q. By hospital you mean --- what was the matter with him?

A. If I remember right, I think it was some trouble with his heart; a heart disease, or something of that kind.

Q. Now, you have already told me that up to that time he had been a faithful worker in the foundling hospital? A. I believe he had given good satisfaction.

Q. Now, let us try another. Do you remember John Connell? A. Yes, sir.

Q. From Easthampton? A. Yes, sir.

Q. And he was suffering with paralysis? A. Yes, sir.

Q. In his lower limbs? A. Yes, sir.

Q. And paralysis of the bladder? A. Yes, sir.

Q. That was so, was it not? A. Yes, sir.

Q. And that paralysis caused detention of the urine? A. Yes, sir.

Q. Now, then, that detention rendered necessary the use of a catheter? A. Yes, sir.

Q. And don't you know that he was neglected by Dr. Lathrop for a long time? A. Most of the time —

Q. Excuse me; answer my question. You must tell the truth now. A. I don't know that he was neglected by me, and he always had good attention as far as I know.

Q. Stop a minute. Don't you know that there was — or first, that the doctor said he would furnish him with a catheter, and then didn't? Now, I am going to ask something to your credit? A. He was not with me all the time.

Q. I know he was not with you all the time, but I am going to follow it right up. And, being neglected, didn't you yourself go and call on the doctor to come to his aid? Didn't you yourself go to the doctor to come to his aid? A. I don't remember any particular circumstance.

Q. Do you remember you did? A. No, sir; I don't remember any particular time that I did.

Q. I don't ask any particular time; don't you remember of

doing it, sir? A. When the doctor came I called his attention to it.

Q. Pardon me; didn't you go to him? And not only that he didn't come; but didn't he neglect him for a day and a night after that? Now, no lying, if you please. On your oath, sir. We have been bothered enough here with you. Out with it? A. I don't remember that fact.

Q. Do you mean to say that was not the fact? A. It is so long ago my memory don't serve me. It was five or six years ago.

Q. Think a moment where you are, Mr. Smith. Here was a person suffering with detention of the urine, and you went for the doctor: and he lay there suffering for a day and a night, in your care: and you forget such a circumstance as that, sir. Do you mean to swear to that? The most horrible pains. Did you forget that? A. I did; I don't remember the circumstances about it. I remember his being there; I don't remember the circumstance.

Q. You don't remember that circumstance? A. No, sir.

Q. You remember going to the doctor, don't you? A. I don't.

Q. Do you remember his suffering there? A. I remember he suffered. He suffered quite considerably for a time.

Q. Well, for days; for a day and a night? A. He was suffering most of the time he was there.

Q. I know he was; but don't you know he was suffering from detention of the urine for a day and a night? I don't ask the particular time; but do you remember about that? A. No, sir; I do not.

Q. Did he complain? A. Yes, sir; he often complained.

Q. Complain of that treatment? Didn't he complain that the doctor neglected him; whether he did or not? A. I think he might.

Q. Might? I know he might. I should think he might do both. But didn't he, old man? Didn't he complain of that treatment? Answer that question. A. He complained of his treatment; yes, sir.

Q. Then here is another man who has complained. What did you mean by swearing the other day that there was not anybody who complained of any cruelty? Is there any worse cruelty on earth than to keep a man in that condition? Now, sir, I want to put it where there is a thing you cannot forget,

and you must answer upon your peril, because I am not going to be played with too much.

Mr. BROWN. Mr. Smith, you need not be at all frightened, there isn't anybody going to be intimidated here, either by acts, or words, or looks, as long as I am counsel here.

Gov. BUTLER. The chairman will stop me when he thinks I am treating the witness too severely.

The CHAIRMAN. I think the witness has control of himself apparently.

Q. (By Gov. BUTLER.) Well, now, then, will you now swear that more than ten times you haven't seen four or five or more people bathed in the same water up there near French Joe's office? A. Yes, sir.

Q. More than three? A. I have only recollection of one time when there was more than one. I have no remembrance of any other time.

Q. Will you swear it was not so? A. I would not swear, but that is the only time I remember.

Q. Now, was Tom Marsh chairman of the Republican town committee in your town? A. He took an interest in politics.

Q. I know; wasn't he chairman of the town committee? A. He might have been.

Q. Don't you know? A. No, sir; I never took much interest in politics.

Q. Do you know at any time whether, when a political meeting was held there, when Gov. Long spoke, in 1879 —? A. I didn't attend that meeting; I knew of his being there.

Q. He stayed there all night, didn't he? A. I would not swear that he did.

Q. Didn't a number of the paupers attend, or start to go? A. I didn't attend it at all; they might.

Q. Don't you know they started to go down, in your ward, the convalescent ward? A. They often went, when they wanted to.

Q. Did they go that night? A. They did; a number of them.

Q. Well, now, let us see how it was. Were there carriages to carry? A. Carriages to carry the inmates?

Q. Yes. A. No, sir; I don't think there were.

Q. Vehicles? A. They went afoot; the inmates did, any way.

Q. Now, then, you were not at that meeting? A. No, sir.

Q. About a week after that you had a meeting, when Col. Brewster spoke in that town? A. I was there.

Q. You was? A. Yes, sir.

Q. Any inmates there then? A. I think there were some; yes, sir.

Q. Don't you know that the gates were closed and that they were ordered in-doors? A. I didn't hear of it.

Q. What? A. I didn't hear of it.

Q. Do you know John Burns? A. Yes, sir.

Q. Was he an attendant there? A. He was and is: yes, sir.

Q. Do you know of his helping put up the flag? A. No, sir.

Q. Working on the wire? A. No, sir.

Q. Was he in your ward? A. He has a ward of his own.

Q. Had he then? A. Yes, sir; he always has.

Q. Now, did you know Daniel Butcher, a colored man? A. I don't remember the name.

Q. What? A. I don't remember a colored man of that name. I suppose if he was there I knew him.

Q. Don't you know Mr. Rollins, who is one of the nurses? A. Yes, sir; I know Rollins.

Q. Don't you know that Rollins was called to see that colored man? A. Where was he called, sir?

Q. When he laid on the ground sick for some eight hours. A. No, sir; I have no remembrance of that, sir.

Q. Do you remember the man that lay sick there? A. No, I do not; I don't recollect anything of that kind now.

Q. Won't you think about it? A. Where was it, sir; in the hospital? was he on the grounds?

Q. On the ground. He laid out-doors. A. I don't recall it, sir, at all.

Q. And then was taken into the hospital and died? A. I don't recollect the party at all.

Q. Do you recall the fact of that happening to any man? A. No, sir; I don't recall any party.

Q. Do you remember Sullivan Burke, a man with one leg? A. I don't remember him.

Q. Have you ever seen the doctors in the hospital with their overcoats on? A. I have seen them pass through; yes, sir.

Q. Often? A. Well, they frequently passed through in my ward on the way to the dispensary. When it rained they would pass through the long ward and go into the dispensary.

Q. Now, sir, was it not cold there? Were not the men complaining of cold? A. The ward was always kept warm and comfortable.

Q. No doubt it was; but didn't men complain of cold? A. They might in the early part of the season, before the fires were built and the steam was kept on.

Q. Did they? I don't ask what they might do. A. They might.

Q. But tell me whether they did. A. Yes, sir; they did, in the early part of the season, before fires were put on.

Q. What time was the fire put on? A. I think steam would not be put on until late in November.

Q. In any part of the building? A. No, sir; I don't think steam would be put on before that; that is, constantly. It would be put on and then shut off.

Q. And it was at this time that the doctors were walking through with their overcoats on, was it? A. If it was in the fall of the year they would be likely to have them on if they came in to visit.

Q. Well, did they? A. Yes, sir.

Q. Very well; did the inmates have their overcoats on? A. No, sir. Some of them had them, and if they wanted to put them on they could.

Q. And some of them had not? A. No, sir.

Q. And that was the same in the hospital? A. Yes, sir.

Q. Then, here were these sick people, at the last of November, without any fire? A. Steam would not be kept on.

Q. Well, steam. A. Yes, sir; sometimes it would be a little cold there.

Q. I should think it would be. A. The steam would be put on for half an hour, perhaps, two or three times a day, and then shut off.

Q. But it was not put on until the end of November? A. It would not be on constantly.

Q. That would make it all the worse, wouldn't it? You would get heated up and then cooled off, and then heated up again? A. Yes, sir; it was no improvement.

Q. Now, let me see if I cannot call your attention to another

little circumstance. Did you know James Duffee? A. I don't remember that name, sir.

Q. Didn't ever remember his name? A. No, sir.

Q. I will try to call to your mind a little circumstance about him. Didn't he die, frozen to death, on the chapel steps, one cold night? A. I don't remember to have heard of it.

Q. Didn't hear of it, even? A. I don't remember it now.

Q. Have you ever remembered it? A. No, sir.

Q. Why do you put in "now"? A. What I mean is, that I have no recollection about it.

Q. Is there any man that you have heard of? Because, you have told us how well everything was carried on. Did you ever hear of a man being frozen to death on the chapel steps? A. I never did, to my remembrance.

Q. Will you swear that no such thing occurred? A. I would not swear, but I don't remember of hearing about it myself.

Re-direct examination by Mr. Brown.

Q. Something was said about using a State carriage to carry speakers up to Tewksbury Centre to a political meeting. A. Yes, sir.

Q. You were asked something about the carriage I rode in, and I think you were in the same carriage. Do you know anything about whose carriage it was?

Gov. BUTLER. No, sir; it was not the one you rode in; it was in Governor Long's time I asked about.

Mr. BROWN. You laughed, and thought you had got me riding around in a piece of State property.

Gov. BUTLER. Not at all. I don't think it is of a copper's consequence whether you were or not. It was Long I was after.

Mr. BROWN. But the town went against you.

Gov. BUTLER. What?

Mr. BROWN. The town went against you.

Gov. BUTLER. I should think after such an exhibition it would be likely to.

Mr. BROWN. Then I am of a copper's consequence.

The CHAIRMAN. You admit, Governor, that the town went against you.

Gov. BUTLER. I should think it might; I should think it would.

Q. Now, you say you went to hear Col. Brewster; who was he? A. A man advocating Gen. Butler's cause.

Q. A good many paupers went that night? A. I think there were some.

The CHAIRMAN. Who was it?

Mr. BROWN. Col. A. O. Brewster.

The CHAIRMAN. I thought it was Col. Bruce, and that we had got to investigate him.

Gov. BUTLER. No need for investigating him.

Q. I want to ask you about this man Alty. Did you hear the name Alty used in any language of His Excellency, the governor, the other day, when you were on cross-examination? A. No, sir. The name Alley was used, but I don't think he spoke the name of Alty.

Gov. BUTLER. I didn't know it at that time.

Q. Now, when this man Alty was ordered to go back to the foundling hospital to duty, in your judgment had he recovered?

A. Yes, sir: he was recovered. He was helping me take charge of my lower room; that is, assisting me.

Q. And he had been on duty how many days before he was directed to go back? A. He had been on duty a month, certainly.

Q. (By Gov. BUTLER.) In your ward? A. Yes, sir.

Q. (By Mr. BROWN.) And he was perfectly well as he had been at any time, to your knowledge? A. Yes, sir.

Q. He was directed to go back to the foundling hospital and do work there, and refused? A. Yes, sir.

Q. Did you see any force used upon him more than was necessary, simply to get him along? A. No, sir.

Q. Was the man injured in any way? A. No, sir.

Q. Did you, after he came from confinement, have any conversation with him? A. Yes: he spoke about it. He used to come in: he used to make No. 19 his stopping place.

Q. What did he say? A. He said that he was not put in a cell: that Marsh simply sent him over there, but didn't put him in a cell.

Q. Did he complain that during the period of his confinement he hadn't had food enough? A. No, sir.

Q. Did he complain that he had been hurt, bruised, or anything of that kind? A. No, sir.

Q. Did you ever hear the suggestion that he had there been kept upon short allowance of food, or had been injured in any way bodily? A. No, sir.

Q. Who is this Mr. Kittredge? How long had he been

there? A. I think he went there last summer some time. He was on the farm when he first went there, and was put into the hospital as night nurse.

Q. Where is he now? A. I could not say where he is.

Q. When did he leave the institution? A. He left the first of May, I think.

Q. This present month? A. Yes, sir.

Q. Do you know where he went to? A. I do not.

Q. Then you say that he was the watchman who had charge of this room upon the night when this man died? A. Yes, sir.

Q. Was this room used as a part of the regular portion of the hospital? A. It was used to put in bad cases, where they were insane, or parties that were not fit to be in the main ward.

Q. Why not fit to be in the main ward? A. Because they were insane, and getting up constantly, and were not clean.

Q. They paid no regard to the proprieties of life; is that the fact? A. Yes, sir; they had lost their minds.

Q. And they had to be kept separate from the other patients? A. Yes, sir; that room was convenient for putting them in.

Q. Now, this man from Northampton —

Gov. BUTLER. Easthampton.

Q. Easthampton — What was his name? A. His name is John Connell.

Q. Now, what was the fact in regard to him, as far as you know anything about it? A. The fact was that he was troubled with his bladder, and he was a very troublesome patient; a man that made considerable trouble.

Q. Now, did you ever know, at any time while he was there, afflicted with that disorder, that he unnecessarily suffered pain from any lack of attention on the doctor's part to perform his duty? A. I never knew of the doctor's refusing to come to see him when I went for him.

Q. Did you ever know him to suffer unnecessarily on account of the neglect of the doctor? A. He had appliances that he could use.

Q. You could use them yourself? A. Yes, sir.

Q. Could he use them? A. Yes, sir.

Q. Well, was there an appliance by his side, within his reach, which he could use himself? A. Yes, sir; he could use it any time that he called for it. He usually used it twice a day.

Q. And could use it oftener? A. Any time he wanted it.

I think he kept it with him so he could use it any time he wished. It was in a closet there, and I think he could get it if he wished it.

Q. Was it necessary that the doctor should be present in order that the appliance should be used? A. No, sir.

Q. And, as a matter of fact, while he was there, was the doctor always present when it was used? A. No, sir; scarce ever.

Q. About what degree Fahrenheit did you keep that hospital? A. Well, the hospital he never was in.

Q. I mean the room you spoke of, where the governor asked about the doctors coming in in their overcoats? A. That was in the old block; it was heated by stoves. It was pretty hard to keep it warm in very cold weather. They had two stoves in each room, but the building was old, and the wind used to blow through pretty freely when it was cold.

Q. Take either of these hospitals, where you say you didn't fire up until some time in November, at what temperature did you intend to keep those rooms? A. They were kept up to 70 or 80; usually it was almost too warm, after steam was put in. They were kept up — I don't think it fell below 65, and I think they were usually above that.

Q. Now, Mr. Smith, I will ask you this: has there been any time, since you have been in that institution, when you have reason to believe that any of your patients suffered from the cold — that is, those patients in the hospital? A. No, sir; I don't think there was any suffering of any amount.

Q. Well, when you speak of a patient complaining of the cold, do you mean that the patient simply called your attention to the fact that he was cold? A. Yes, sir; that is all. There are men that complain now. I have got one man that complains now of the cold, at this time, when it will be probably 70. His blood is very poor, and he complains of being cold.

Q. What is his name? A. Wentworth.

Q. What is his full name? A. Arnold Wentworth.

Q. Was he there last summer? A. Yes, sir.

Q. Did he complain all last summer? A. Yes, sir. He didn't complain last summer so much as he has this. His health is very poor, and he complains very often. And a great many of these people complain. They want the windows shut up in July — nights.

Q. Have you made any examination to see whether he is

cold? Do you know what the temperature of his body is? A. Well, his blood, I should say, was very poor — not much blood.

Q. Have you made any examination to find out what was the temperature of his body? A. No, sir; no more than I know his case, that he is very feeble, and is not able to do a great deal. He is very weak and feeble.

Mr. BROWN. I believe that is all.

Q. (By Gov. BUTLER.) I want to ask you about this matter — at the time before the last of November, when the steam was put on, if there was a pretty general complaint of being cold at times? A. There would be some days when they would complain of being cold.

Q. I mean a general complaint? A. They would complain of its being rather cold.

Q. I don't mean one man, whose blood was poor, but a general complaint? A. Yes, sir; there was complaint.

Q. (By Mr. BROWN.) When you say complaint, do you mean anything more than to call your attention to the fact that the room was cold? A. It would be a little cold at some times. It might be a day, if it came on a cold day; if it was a cold day, it would be cold there.

Q. Now, did you have plenty of bed clothing that you could use in such cases? A. Yes, sir; always well provided with blankets.

Q. No lack of blankets? A. No, sir.

Q. One question I omitted to ask you, but which I meant to ask you when you were on the stand in the first instance, and that is this. Is there any means that you know of there in the institution, for punishing the inmates in cases where they are refractory? A. There is not any now: they used to put them in the cells, I believe, several years ago, but there is nothing there now. There is no punishment there now.

Q. Since you have been there, do you know what has been the common punishment resorted to where discipline was needed? A. When I formerly went there they used cells.

Q. Well, since that? A. Since that the cells have been entirely done away with, and there has been no punishment. The only punishment was to send them out of the gate.

Q. What do you mean by that? A. Discharge them.

Q. Discharge them from the institution? A. Yes, sir; if they are refractory.

Q. Well, sir, how many years has that been the punishment

resorted to in cases where discipline was required, — discharged from the institution? A. I don't know that it has happened in but a very few cases : but I think they have power to do it — I have heard so.

Q. What cases have you known, if any? A. I have known cases where there were parties who refused to work, and they were sent out the gate.

Q. That is, discharged. A. Yes, sir ;

Q. Did they usually come to time and go to work? A. Yes, sir ; there was no trouble there. Everything goes on very quietly for a place of that kind. There didn't seem to be a great deal, — there was not a great deal of discipline. That is, Capt. Marsh was always very easy with every one, and they all seemed to go on surprised themselves to see how regularly everything went on ; to see that he used so little authority. What I mean is, that he let every one go about as they were a mind to.

Q. He exercised very little authority over them? A. No, sir ; it didn't seem to be required. The men seemed to act very harmoniously.

Q. Where were those cells that you speak of? A. I think they were under the back part of the office — Capt. Marsh's office.

Mr. BROWN. I believe that is all.

Q. (By Gov. BUTLER.) I want to ask you a single question. This was generally, was it, that he exercised very little authority? A. What I mean by that is, that he was not around complaining or finding fault, but if there was necessity for exercising authority, he could be stern enough ; but there didn't seem to be any occasion for it.

Q. No ; it was all so right that there was no occasion for it. As a rule, when they discharged people for not going to work, did they tear their coats beforehand? A. No, sir.

Q. There were cells at this time to put them in? A. Yes, sir.

Q. Because you say this man, Alty, said that he was not put in a cell? A. There were cells at the insane building, but the other cells had been taken away.

A. And there have always been cells at the insane building, and are now? A. I think there has.

Q. Didn't Alty tell you that he was fed on bread and water?

A. I don't think he told me that; I presume he might have been.

Q. Don't you know it was so? A. It was usually the case. I understand that when they were put in cells they were fed on bread and water.

Q. When they were locked up they were fed on bread and water. What did you mean; why did you answer Mr. Brown that he didn't complain that he had not sufficient food? You merely meant that he had sufficient bread and water? A. Well, yes, sir.

Gov. BUTLER. That will do.

Q. (By Mr. CHAMBERLAIN.) You say that if a man refused to work, they would tell him to walk out of the gate? A. I have understood they had the power to do that.

Q. Well, didn't he have the power to walk out the gate if he chose? Could'nt he walk right out? A. Yes, sir.

Q. (By Gov. BUTLER.) There is no keeping them in, or anything of the sort? A. No, sir; they could run out if they wanted to.

Q. Of course. But they had a man at the gate that didn't allow them to go? They only had a man at the gate to keep them from getting out? A. They used to go out if they wished to.

TESTIMONY OF DANIEL N. BARRETT (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Daniel N. Barrett.

Q. How old are you? A. Forty-nine.

Q. What is your present occupation? A. Baker at the Tewksbury almshouse.

Q. How long have you been baker at the Tewksbury almshouse? A. Seven years to-morrow, the first of June.

Q. Who preceded you in that duty? A. A person by the name of Holt.

Q. I believe you have been a member of the legislature, Mr. Barrett, haven't you? A. Yes, sir.

Q. How many years ago was that? A. In 1870 and '71.

The CHAIRMAN. Is that a recommendation?

Mr. BROWN. It used to be; it isn't this year.

Q. In 1871. Where from? A. Lynn.

Q. On last Friday the legislature visited this institution, didn't they? A. Yes, sir; quite a number of them.

Q. They partook pretty liberally of your bread, didn't they? A. I heard so.

Q. How old was that bread that they took? A. Forty-eight hours old; it was baked on the Wednesday previous.

Q. It came out on Wednesday; about what time of day? A. Well, they had both white bread and graham bread; the white was drawn at about ten o'clock in the forenoon, and the graham somewhere between one and two.

Q. (By Gov. BUTLER.) On Wednesday? A. Yes, sir.

Q. (By Mr. BROWN.) It was used on Friday. Have you any rule as to the age of the bread before it is served to the inmates? A. I am instructed to have about two days' bread on hand.

Q. Now, as a matter of fact, do they use the bread which is two days old? A. Yes, sir; that is the rule, as I understand it.

Q. Mr. Barrett, tell the committee whether that bread, which the legislators ate last Friday, was a fair sample of the bread that you have been making during these last seven years.

A. I don't see how it can be otherwise. It was baked from flour, a great deal of which I have used for a number of years, and by the same methods, as far as I know. I don't know of any difference. I should say it was an average of the bread I had baked there for seven years, — five or six years, anyhow.

Q. Now, I want you to tell the committee how that bread was made. A. You mean the ingredients?

Q. Well, I mean the apparatus that you had to use and the process that you go through in order to make that bread.

A. Well, I set a sponge first, of yeast and flour —

Q. What do you use for yeast? A. I have, as all bakers have, what is called stock yeast, of hops, flour, malt and water, and a ferment of potatoes, flour and water that is set to work with this stock yeast. When the sponge is ready, in baker's parlance, more water is added and more flour, and it is made up into dough. After proving, it is panned off and put into the oven to bake.

Q. Baked in what kind of an oven? A. An old-fashioned baker's oven, bricked up by bricks inside, — an old style of oven.

Q. You also manufacture at the institution your own crackers? A. Yes; bake crackers every Thursday.

Q. Every Thursday bake a week's supply? A. Yes, sir.

Q. Now, Mr. Barrett, as to the quality of the flour that you use for the bread of the inmates. — what do you say about that?

A. The flour that I use chiefly is a very sweet Minnesota flour, darker than families like to use, in many respects, as to color, but very good flour; makes very sweet bread.

Q. Now, Mr. Barrett, how frequently, since you have been there, have you had the misfortune to have your bread sour, or something of that kind? A. I don't remember of but three times. That was within the first year, the first and second years of my being there. Some obstacles to baking there that I didn't get thoroughly the hang of.

Q. Now, take the bread in summer-time; can you keep it forty-eight hours without its getting sour? A. Yes, sir.

Q. Any difficulty about that? A. No difficulty if it is kept in a clean place; no, sir.

Gov. BUTLER. If it is sweet to begin with.

Q. If it is sweet to begin with. A. Yes, sir.

Q. Now, then, after the bread comes out of the oven what is done with it? A. It is put on a rack in the bakehouse, put there till it gets, — fresh bread is soft, and if handled then is apt to get jammed. We keep it on this rack till it cools and dries sufficiently to enable it to be handled without any injury; then it is carried into what is called the bread-room and put on another rack, from which it is taken to be cut up when necessary.

Q. From the bread-room it is cut and served to the inmates? A. Yes, sir.

Q. Whether or not, within your knowledge, Captain Marsh and his family and the officers eat this bread? A. If they did, I should not be likely to know of it. I should not know if they had it on the superintendent's table unless I heard of it. I saw it occasionally on the table at which I sat.

Q. That is, the officers' table? A. Yes, sir.

Q. Where the attendants and nurses sat? A. Yes, sir.

Q. How generally is the graham bread used there at your table? A. I don't know, I am sure. I see it occasionally.

Cross-examination by Gov. Butler.

Q. I want to get a few figures from you, Mr. Barrett, which I suppose you can give me. In the first place, take a barrel of flour, — one hundred and ninety-six pounds of good flour, — how many pounds of bread will you get from such a barrel of flour? A. Well, I would say that flour varies a great deal, according to the quality.

Q. Such quality as you use. A. I haven't tested it recently. I did when I first commenced on it, and, perhaps, occasionally. It is somewhere, — from a barrel of flour we would get two hundred and seventy-five to eighty pounds of bread.

Q. About thirty-three per cent. increase, isn't it? A. Wouldn't that be nearly three hundred pounds to a barrel?

Q. Pretty nearly, sir. A. I never knew but one brand of flour that would do that.

Q. There is a brand of flour that will do that? A. Yes; I knew of one.

Q. That is increase of weight by — A. It was remarkable.

Q. Yes; it was remarkable; but that is the increase of weight by the absorption of the moisture, I suppose? A. Yes, sir.

Q. That is owing to the glutinous character of the flour? A. I don't pretend to understand chemistry, but I suppose so, — if it was superior wheat, of course.

Q. Now, isn't it one of the peculiarities of Minnesota flour that it is thus glutinous? A. Yes, sir; that is my judgment.

Q. That is your judgment, and I so understand. Then we have got about one-third, — thirty per cent., I believe, would be the point at which — A. I would put it a little lower than that, in my experience.

Q. A little lower; but still it might be. Is there a greater increase in graham flour than in the common wheat flour? A. I never tested graham flour, sir. In making graham bread I don't use a great deal of graham, and never tested it. My opinion would be that it is much less than other flours.

Q. Much less? A. That is my opinion.

Q. Very well; now, then, we will get from a barrel of flour, you think, about how many pounds of bread? A. Two hundred and seventy-five to eighty.

Q. Two hundred and seventy-five per barrel. Will you tell

me how many barrels of flour you use a day? A. Well, I vary a good deal; just now, do you mean?

Q. I want to know, in the first place, how many barrels you used that Wednesday when you got out this batch of bread?

A. That was a week ago or so; well, just about. — you see I don't remember with regard to a particular day, but I know for several weeks past —

Q. Won't you try to keep your mind, if you will, on the time when the bread was baked which the legislators eat, because I want them to know exactly about how much flour was used that day. I don't care what was done before nor afterwards, now; I am now at that time that you see is not a week ago. — yes, yes; a week ago yesterday, exactly. A. I can't testify especially with regard to that day any more than any other. I am using about thirty-four barrels a week, and bake that in five days.

Q. Five days. A. No, sir; take out a barrel and a half for crackers, and perhaps sixteen pounds which is used in the cook-room, and the rest is baked in five days.

Q. In five days; you use thirty-four barrels a week? A. That includes a barrel and a half for crackers.

Q. I understand; but I suppose they eat the crackers, don't they? A. I think likely.

Q. So it goes just as much toward feeding them? A. Yes, sir.

Q. And sixteen pounds of flour used where? A. Used in the cook-kitchen; they average that.

Q. What kitchen is that? A. That is the inmates' cook-kitchen: for thickening soup and making sauce to put on rice, and, perhaps, some other things.

Q. Sixteen pounds a day; but that still goes for food? A. Oh, yes, sir; goes for food.

Q. Now, then, you would have thirty-four barrels for seven days; you wouldn't have quite five barrels a day, would you? A. No, sir; not for seven days.

Q. Is that your average, sir? A. For a year?

Q. Yes. A. No, sir.

Q. Is it more or less than the average? A. Well, I could not swear to just how much flour is used in a year, but my experience, from my experience I should judge that I average just about, with what they use in the cook-kitchen, five barrels a day the year round; I mean to say working days.

Q. Five working days? A. No, six working days; that would be my judgment.

Q. You average about five barrels a day; do you use more in the winter or less? A. Very much more in winter.

Q. You are using now, you tell me, about thirty-four; how very much more in the winter? A. Well, thirty-six or seven barrels I should say.

Q. What? A. Thirty-six or seven barrels, for, perhaps, three months in the winter.

Q. Three months in the winter, thirty-six or seven barrels a week? A. Yes, sir. I can't give it exactly, for I have not kept any figures; that is pretty near.

Q. Now, then, that is what I want to know, if you know. Do you keep any account of the flour? A. No, sir.

Q. Does anybody else, to your knowledge? A. Not to my knowledge; no, sir; not to my knowledge.

Q. Well, have you ever seen any account of it; I don't mean of the buying in, but of the going out? A. No, sir.

Q. Then here we have an institution without any means of telling how much flour it takes, — from any account. A. Well, I keep none; I can't say what the superintendent does.

Q. Well, I say, so far as you know. A. So far as I know; no, sir.

Q. You don't keep an account, and there is nobody keeps an account so far as you know. If you want ten barrels of flour, or five barrels of flour, you go and get it, or send somebody for it? A. Exactly.

Q. If you want six, you get it just as well? A. Yes, exactly.

Q. Or eight, or any other number? Now, does Capt. Marsh use the same flour in his establishment that you do? A. They sometimes do; they have been all this year, perhaps longer. There have been times when they have bought higher price flour.

Q. And sometimes they buy higher price flour? A. Yes, sir; perhaps usually.

Q. Well, what they use is in addition to yours, I suppose? A. Yes, sir.

Q. Do you know how many barrels a week they use? A. If you call it sixty it won't be two barrels out of the way; sixty barrels a year.

Q. And they use, in addition, about sixty barrels a year in Capt. Marsh's kitchen? A. Yes, sir.

Q. We find on the bills there is some higher price flour. A. That is for the kitchen.

Q. Is that used on what is called the officers' table? A. When they have it; yes, sir; there has been none of that kind since last fall.

Q. Pardon me; I misled you, and didn't mean to, either. I wanted to ask you this, exactly; whether that sixty barrels a year, — whether it was the same that you used, or higher price flour, — whether that furnished the officers' dining-table? A. Yes, sir.

Q. The officers don't vary with the inmates, of course; that is to say, you have a great many more inmates in the winter than summer, but the number of officers does not vary? A. I suppose not.

Q. About the same; about sixty barrels a year. Then, in addition, there is still a barrel a week more. A. For what, please?

Q. For the officers, in addition to the inmates, — a little over a barrel more. A. Yes, sir; about a barrel in six days they use.

Q. Do you do this work yourself, all of it? A. Baking?

Q. Yes. A. Have inmate help.

Q. How many inmates have you for help? A. I have three, such as they are, now, and want more.

Q. Yes. A. There are some cripples, insane, etc.

Q. You have an insufficiency of help? A. I have just now; just now; apt to in the spring of the year; they keep going out.

Q. Do you do the kneading of the bread? A. I help.

Q. You help; do you do it? A. I do it with the help of the inmates.

Q. I want to know whether your arms go into the kneading? A. Yes, sir; I get right up and go at it.

Q. Always and all the time? A. No, sir.

Q. What? A. No, sir.

Q. How much of the time do you knead the bread? A. Well, I could not say, but there are some months at a time when I am short of help; when I get help enough I don't actually knead it in the trough; I handle it afterwards; handle the dough a great deal, but not in the trough.

Q. And upon the kneading and the yeast-making depends the quality of the bread, doesn't it? A. Well, — oh, of course, somewhat.

Q. Assuming the same flour. A. Somewhat; yes, sir.

Q. Don't it altogether, assuming the same flour? A. You seem to be confining yourself to kneading in the trough, where I said I didn't help unless we were short-handed. There is a good deal of handling the dough after it is proved that I participate in; working out the dough, etc., makes quite an addition.

Q. In the handling of that dough depends the bread? A. Yes, sir; somewhat.

Q. Almost entirely, — that, and the yeast, and the quality of the flour? With the same flour the quality of the bread depends on the kneading and the yeast? A. The more it is kneaded the better it looks; more in the looks than the taste a great deal, after all, — kneading.

Q. Now, about how much bread is served out; about how much will one of your loaves, — I suppose you make it about all the same size loaf? A. We scale off, in baker's parlance, a little over seven pounds; not so particular as if they were for sale, of course.

Q. As near as any baker would scale a loaf? A. No; if you were going to sell it you would be particular.

Q. You mean to have it about the same? A. Mean to have it full weight and aren't particular if it is a little over.

Q. About seven pounds to the loaf? A. In the dough; seven strong, and more, probably.

Q. Seven strong; and then how much weight would you have in the loaf? A. I weighed several of them recently; they weighed, most of them, 6 1-2, some a little less; we usually have a sort of scale, and I mould them all.

Q. Now, you have told me that you weighed them; when did you first commence weighing them? A. The bread?

Q. These loaves that you told me you weighed recently. A. Well, I weighed some some few weeks ago, when some people were speaking about their weight, and before.

Q. When before that did you weigh any? A. I don't recollect; I occasionally do when the weight is questioned.

Q. When the weight is questioned; then, was it questioned before? A. Oh, undoubtedly; I don't call to mind the particular circumstances, but I recollect somebody said —

Q. Now, then, very good; you have got a loaf of six pounds and a half of bread. A. Yes, sir.

Q. In a single loaf. A. Yes, sir.

Q. That is cut into pieces, I suppose, for the inmates? A. Yes, sir.

Q. How much of that loaf is cut off for a breakfast? A. I don't do it, but, of course, I see it done, a good deal of it. For the inmates who dine in the regular dining-hall?

Q. Yes. A. Each man has one slice laid to his plate, cut right through the whole width of the loaf. And then there are others that are cut into half slices; if a man wants more he is given a half a slice. In my judgment, two-thirds of them eat the whole slice and a half, and some, I know, eat two pieces, making two whole slices for breakfast.

Q. That is all they have, isn't it? A. That is all they have.

Q. Yes, sir; precisely so. How many slices is the loaf cut into? A. Well, now, I can't think; I have forgotten whether it is ten or eleven. I weighed several of the slices a day or two ago, and three of them weighed from 13 1-2 to 14, as I weighed quite a number.

Q. Ounces? A. Yes, sir.

Q. (By Mr. BROWN.) Each? A. Three together.

Q. (By Gov. BUTLER.) Then a slice would weigh about four ounces? A. A slice, — there are half slices; three times four are twelve; more than that. — 13½ to 14. — and I have seen many of them eat that for breakfast.

Q. I am not now upon the amount they eat; I am trying to get the weight of the slices. A. I am trying to figure it out for you.

Q. By and by we will talk about the eating. Now, about the width of the slices. They are cut into even slices, you say? A. I think so; I don't know that they are exactly, but that is my recollection.

Q. Eleven or twelve, I suppose? A. I don't think they were in twelve; generally eleven.

Q. Now, we have got them cut into eleven slices; and one slice is put to each plate? A. Yes, sir.

Q. And if a man wants more he gets it? A. He gets a half a slice.

Q. Gets half a slice; and if he wants still more he gets another half. A. Gets another half.

Q. And those whole slices weigh, — now, if you will kindly tell me what you will testify is the exact weight? A. The only way I weighed slices was to weigh several half loaves cut in half slices.

Q. Half loaves cut in half slices; what do you mean by that? A. Well, I will put it a little different, — these half loaves cut in slices that would make the half slices. I think I carried four or five such into the bake-house and weighed three slices at a time and got their weight.

Q. That is, these half slices? A. Yes, sir; three half slices; that is the only way I weighed them.

Q. Three half slices; and how much did these three half slices weigh? A. Some of them $13\frac{1}{2}$ and some of them 14 ounces.

Q. Any less than that? A. None less than $13\frac{1}{2}$, I believe.

Q. Then a whole slice would be six or seven ounces, as the case would be? A. Yes, sir; as I weighed them.

Q. Now, when they are taken into the hospital, into what size do they cut them? A. Probably they are all half slices; I don't see them, — I see them in the boxes.

Q. When they are taken in to the children, I suppose, they are still less? A. I can't say, sir.

Q. Now, then, how many slices of that bread are given at dinner, if any? A. I think a half slice is put to each plate for dinner.

Q. For dinner a half slice; that is, three or four, or three and a half? A. I don't know how much they eat, I am sure.

Q. Of course you don't know how much they eat; then, how much is put on for supper? A. I think the same as for breakfast; whole slices first, followed by half, if wanted.

Q. Do you have any bread left from day to day? A. Always keep about two days' supply, intend to, in the racks.

Q. I understand; but do you have any left over from a day's supply? A. Cut up?

Q. Yes. A. I should say they cut their breakfast bread the night before.

Q. Yes; it is cut the night before for breakfast. A. I won't say they cut it all; a part is cut, I know, the night before, as I see it there.

Q. Well, I want to know if from this supply you make for a day any is left over, or is it all eaten up? A. I don't know as I understand you.

Q. I should understand in my family if bread was made to-day whether there was any left over or not. A. Yes, sir; if I baked a lot of bread one day I should know whether it was used up the same day or not, of course; but whether there was any left —

Q. No, I don't mean the same day that it was made. Say, Wednesday, — no, we won't take that day, because the legislature might have had the remainder that day; but take any other day the legislature wa'n't there. A. I should say there was possibly some left over.

Q. Then it is given right out? Do you make any bread puddings there, do you know? A. No, sir.

Q. What is done with the remnants of the bread? A. I suppose it goes to the piggery. I don't know of any other disposition of it.

Q. Now, have you any family? A. Yes, sir; I have a wife.

Q. And she is at Tewksbury? A. Yes, sir; keeps house in the village.

Q. And you have been there, you say, for seven years? A. Yes, sir.

Q. Did you ever hear anything about the dead bodies being removed anywhere? A. I don't know that I ever did; no, sir. Possibly I have heard that bodies were sent to Harvard. I never heard about any particulars of it, I am sure.

Q. Without the particulars, you knew the fact, didn't you? A. I couldn't say I knew it; no, sir.

Q. But you heard of the fact? A. Oh, yes, sir.

Q. And that is ever since you have been there. Did you know Mr. Manning in his lifetime? A. I remember him; I never was acquainted with him at all. I have seen him.

Q. Do you know what his business was? A. I always understood he was in the transportation business.

Q. The transportation business? A. I understand so.

Q. And you understood that meant moving dead bodies in the night-time, didn't you? A. Yes.

Q. Did you ever attend the funeral of any of the inmates there? A. Yes, sir.

Q. Whose funeral did you attend? A. I never attended but one.

Q. Who was that? A. That was a Polish woman who died the first few months I was there. Some Poles — quite a

number of them — came there, and one of them died in the hospital; and, of course, all the officers, nearly all, went to her funeral. It was a peculiar funeral service.

Q. To see the peculiarity of the Polish funeral services, I suppose. A. They were peculiar.

Q. I say you went to see them; a very proper thing to do.

A. I don't remember anything particular about it; I know I went to the service, but not to the grave.

Q. Was that the only time you ever went? A. Yes, sir.

Q. Been there seven years, and that was the only time. Have you ever seen a funeral procession or anything of the kind there since? A. I have no recollection of any; no, sir.

Q. And have you ever known of a funeral in that institution, since that one, of your own knowledge? A. No, sir.

Q. You were there when the babies were dying so fast, weren't you? A. I suppose so; yes, sir.

Q. You heard of it, sir? A. Yes, sir.

Q. Everybody did. You didn't think it had anything to do with you, as they didn't eat very much of your bread, I take it; they were too young. Now, did you ever see any of those buried? A. Buried, — no, sir. I have seen children's coffins pass out through the yard.

Q. You have seen them put in coffins — separate coffins? A. I never saw them put in; I have seen children's coffins, I say, pass in the hands of the undertaker.

Q. Did you ever see one with any in it? A. No; I could not see what was in it, of course.

Q. Could not see what was in it? A. No.

Q. And, for aught you know, they might all have been carried off anywhere? A. I didn't know anything about it.

Q. Well, it was a matter talked over, wasn't it, about this transportation business? A. Very little, I should say.

Q. Not very much; it is a thing not to be talked about too much; but, then, it was talked over among the people, among the officers and attendants? A. Probably; I recollect hearing about it, that there was such.

Q. Did you hear about those pieces of wood in the coffin? A. No, sir.

Q. You never heard about that? A. No, sir.

Q. Did you ever talk with Mr. Cocker about that, — the engineer? A. Pieces of wood?

Q. Yes; having a funeral service over some billets of wood

in a coffin? A. I was in his presence the day after the first hearing, I think, when that matter was published, and heard it read. Whether I talked with him about it I don't remember. There were three or four of us there.

Q. You heard it read; was there any observation upon it there? A. I guess there was.

Q. And Mr. Cocker said he had heard about that before, didn't he? A. I don't remember he did; he might.

Q. He might; don't you know? A. I don't remember anything about it.

Q. That was a pretty peculiar thing, wasn't it? A. I was horror-stricken and left the room.

Q. You were horror-stricken, and left without waiting to find out whether it was so or not? A. I didn't wait.

Q. You didn't wait; you were horror-stricken and left; but didn't you hear Mr. Cocker say, well, he knew about that? A. I don't remember I did; no, sir.

Q. Did you hear it? Why, it is a thing that struck you with horror; and do you forget whether your neighbor, your co-officer, told you he knew all about it? A. I don't think he did; I don't believe he did; I don't know he didn't.

Q. You won't say he didn't? A. No.

Q. Did anybody else say they knew about it; that they had heard about it before? A. Well, I can't recollect, distinctly; I can't swear whether they did or not; it is possible. Young Chase was there.

Q. What? A. Young Chase was there at the time; whether he said so or not, I don't remember.

Q. I don't know that he knew it; I guess it was before his time. A. Yes, sir; I don't think anybody did in my presence; I don't recollect hearing it.

Q. Well, now, can you say that you have such a memory that you know it was not said right there in your presence by Mr. Cocker, the engineer, that he had heard of it? A. No, sir; I remember nothing like it. I don't remember that it was said, and it seems to me I should if it was said.

Q. Who was present there when this was read over? A. Young Chase and Mr. Cocker, and I remember Mr. Cocker's being there because he had the paper.

Q. He had the paper? A. Yes, sir.

Q. And he read it? A. Well, I can't say who read it, I am sure.

Q. Now, he having the paper and reading it, didn't you inquire of him, why, Mr. Cocker, have you ever heard anything about this before? A. No, sir; Mr. Chase swore he did it, and that was enough for me.

Q. What? A. Mr. Chase, as I recollect, swore he did that thing, and that was enough for me. I didn't doubt but what it was done, if he swore he did it.

Q. Didn't doubt it was done if he swore he did it; and you believed it so thoroughly that you didn't even ask Mr. Cocker about it. Now, did you know, when you were there, that babies were being carried out at the rate of seven or eight a day, sometimes? A. I don't remember the number; I know they were dying off fast, from hearsay.

Q. Right in the institution where you were a part, and didn't it strike you as rather a singular thing? A. Yes, sir; and so much so as to lead me to inquire of the officer the cause of it.

Q. What cause did you find out about when you made the inquiry? A. Colonel Tufts was the man I inquired of, and he told me they didn't send anything to Tewksbury they expected to live; something to that effect; that they selected the good ones for adoption, and sent the rest up there, the sick ones. That is what Colonel Tufts told me.

Q. They selected those for adoption that would live, and sent the rest up there to die. A. I don't know what they sent them for, but sent the sickly, — those that would not live, perhaps.

Q. They selected out all that would live, and, of course, if they sent the rest of them there, they sent them there to die. A. I don't know what the intention was; that was the information I got.

Q. Who did you get that from? A. Colonel Tufts.

Q. Colonel Tufts; he was the Monson man. A. Yes, sir; he was then in the board of state charities; had the charge of the wards, the state wards.

Q. Do you mean to say, — think a moment, now; I want this to be certain, — that Colonel Tufts, an agent of the board of state charities, said that they transported only infants up there who were expected to die? A. I won't say he put it in that way. I said he told me they chose for adoption, and so forth, the likely ones, and sent the poor and sickly ones to Tewksbury.

Q. And that is the reason why they all died? A. I don't know.

Q. You were asking to find out? A. I was; yes.

Q. And then, he was giving you a reason, wa'n't he? Now, seeing they selected out the well, and sent the poor and sickly ones up to die, why did they not save the expense of sending an officer or attendant with them, and bury them? A. That would not be humane, your honor.

Q. Wouldn't be humane? A. No.

Q. Why not as humane to bury them here as it was to send them up there and not bury them? A. I don't know the board of state charities sent them there.

Q. What? A. I didn't know the board of state charities sent them there. I supposed it was the city of Boston; I didn't know anything about it, and don't know.

Q. Well, but they came from all around everywhere, didn't they? A. That I could not say, I am sure; I have nothing in mind now about any particular case.

Q. There was a good many born there weren't there? A. I suppose there was a good many born there; it looks as though there might be, I see, a good many times.

Q. And they died? A. I understood they didn't; I know nothing about it; I got my understanding there.

Q. Did you hear about the rats eating this man? A. I think I did hear that the rats gnawed a man's nose in the hospital; some of my men, I think, mentioned it.

Q. When was that? A. I could not say.

Q. Wasn't it some years ago? A paralyzed old man,—that was a good many years ago, wasn't it? A. I think it was a corpse I heard was gnawed.

Q. Of the paralyzed old man. A. I could not say the particulars.

Q. How long ago was that? A. I don't remember; I recalled it when you were asking Mr. Smith.

Q. What? A. When you were questioning Mr. Smith I recalled the circumstance, and I recollect hearing one of my men say one morning that they said there was a person died in the hospital.

Q. About how long ago? We have had two cases where it was said the rats gnawed. Mr. Smith's was very lately, and then there was one some time ago; did you hear of the one some

time ago? A. I don't know, but I should say it was six months.

Q. What? A. I should say it might be six months, but I don't know.

Q. This of Mr. Smith's was only last February, less than six months. A. It is possible that is the case; I don't remember about the time.

Q. Now, did you hear about a man who got froze to death there? A. Never.

Q. You never heard about him at all? A. No, sir.

Q. Did you hear about a man who got his head hit with a pickaxe? A. I saw a man, once, being carried into the hospital, whose head was bleeding, and I ascertained, upon inquiry, that he had interfered with an insane man at work under the barn, and the insane man hit him a glancing blow with a pickaxe; made it bleed a good deal, but didn't hurt him, I guess, a great deal, as I recollect the case; there was no death.

Q. What? A. There was no death resulting from that, I am confident.

Q. Was there another head hurt? A. No other case; I never heard of any other case; no, sir.

Q. Did you examine the wound? A. No, sir; I tell only what I heard.

Q. Why do you give us your opinion; you are not a doctor as well as a baker? A. I don't assume to be; I told what I heard.

Q. I am asking you why did you give us your opinion it didn't hurt him much? A. I heard it; I didn't give an opinion; I said I heard.

Q. I thought you said you saw. A. I saw him being carried in, and I said, upon inquiry, I heard the circumstances which I have related.

Q. That is: they had an insane man working under the barn, and another insane man interfered with him. A. I don't understand the other man was insane.

Q. A man interfered with his work, and the insane man struck him over the head with a pickaxe. A. Struck at him with a pickaxe, and the point of the pickaxe glanced off and struck his head so it made him bleed.

Q. It is of no consequence whether he was killed, for my purpose; all I want to know is whether there was a man hurt with a pickaxe; the blow might not have glanced off, you know.

A. This man, — I inquired of the head farmer, — was there a great many years, and he was never known to be violent.

Q. What? A. The head farmer told me this man was never known to be violent before, and he was astonished he did the thing.

Q. Then it was a matter talked about with these explanations. A. I can't say; I talked about it with Mr. Poor, I know.

Q. Mr. Poor, the head farmer? A. Yes.

Q. Now, will you tell me whether, when you first went there, they used any pork there? A. They used it in the cook-kitchen; yes; pork, salt pork.

Q. And did they continue to use it? A. Yes, sir.

Q. And is any boiled or baked or broiled, or anything of that sort, for the inmates' food? A. Salt pork?

Q. Yes. A. It is baked in beans once a week; I have seen pieces of pork in the corned beef, occasionally; what the general rule is, I don't know, whether it has been or not.

Q. It makes an article of the diet? A. Yes, sir.

Gov. BUTLER. I don't think I want to trouble you any more, Mr. Barrett.

The WITNESS. Thank you, sir.

Q. (By Mr. BROWN.) There is one question I want to ask you with regard to the weight of these slices: your loaves are of a uniform size, are they? A. Well, not exactly; as I explained to the governor, it is not as though we were going to sell them.

Q. They are all baked in the same size dish, — pan, — are they not; or do you have different sizes? A. There are three different sizes, so it happens; but there may be a large loaf in a low pan, — as likely to be there as in a high one. There is not a great difference in the loaves; there is no great difference; they are nearly alike.

Q. And these slices are about how thick? A. I don't know as I could tell you near enough to swear to it.

Q. About an inch, more or less? A. I don't know, sir; not quite an inch.

Q. Not quite an inch? A. I think not.

TESTIMONY OF ISAAC H. COE (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. Isaac H. Coe.

Q. Of what place? A. New Bedford.

Q. How long have you resided in New Bedford? A. Twenty-six years last April.

Q. Have you been a member of the legislature from New Bedford? A. Yes, sir; I was in the House of Representatives in 1866-7.

Q. 1866-7. A. And in the Senate 1872-3.

Q. 1872-3. A. I think, 1872-3.

Q. Have you held any other offices by election by the people? A. Nothing excepting the school committee.

Q. Have you ever had to do with the overseers of the poor of the city of New Bedford? A. In 1878 I was associated with the secretary of the board of overseers as assistant and visitor, and continued through the year 1879; and in the year 1881 I was elected secretary of the board of overseers, and held the office that year.

Q. You have had people go to Tewksbury from New Bedford, I suppose? A. Yes, sir; in the winter.

Q. And have had them return from Tewksbury to New Bedford? A. I have.

Q. For how many years, if at all, have you been acquainted with the institution at Tewksbury? A. I was never acquainted with it till 1878.

Q. And, since that time, have you been there? A. During the years 1878, '79 and '81 I have been there, perhaps, — I can't recall exactly, — but, perhaps, fifteen or twenty times.

Q. Fifteen or twenty times; for what purpose did you go there? A. For the purpose of carrying inmates from New Bedford.

Q. Did you announce your coming before you went? A. Never.

Q. Never? A. No, sir.

Q. What means, if any, did the officers of the institution have of knowing that you were going to visit Tewksbury before you got on to the ground? A. Nothing till I arrived at the depot, and then a signal was given that there was somebody there.

Q. Then a carriage would come down for you? A. Yes, sir.

Q. And you would go up? A. Yes, sir.

Q. Well, from the time that signal was given till the time you got to the institution, about how many minutes would be occupied? A. Generally it would not exceed thirty minutes.

Q. Not exceeding thirty minutes? A. Not generally; I have waited longer than that.

Q. Have waited longer? A. Yes, sir.

Q. How many people in all have you taken to Tewksbury? A. I have no means of knowing exactly, but I should say, according to the best of my recollection, perhaps about twenty.

Q. Any of those twenty people returned to New Bedford? A. Yes, sir; several of them.

Q. You have had an opportunity of seeing them; conversing with them? A. When I went to Tewksbury I usually went around and saw those that I had carried there; some were sick and some were feeble, and I usually went around to see those I was acquainted with personally to see how they were getting along. And I have seen some of them since they returned.

Q. Well, now, Mr. Coe, I believe you are a clergyman, are you, also? A. Yes, sir.

Q. Are you settled in New Bedford now? A. I have been settled in New Bedford twenty-six years, and am on my twenty-seventh.

Q. Over what church? A. The South Christian Church.

Q. What denomination is that? A. Christian.

Q. (By Gov. BUTLER.) What? A. The Christian denomination.

Q. (By Mr. BROWN.) Now, Mr. Coe, I want you to tell us what you have seen at Tewksbury, please, in the way of mismanagement, improper management, lack of discipline, or what information you have got there in regard to any mismanagement or lack of discipline or want of proper food. You need not occupy your time in stating the good things, but I want you to state what you heard that was bad. A. I saw nothing; I never heard anything that was bad in the management, except one man who returned to New Bedford, and he called it a slaughter-house; a gentleman, I believe, that has been before this committee.

Q. What is his name? A. Joseph Beebe.

Q. Well, did you see him after he returned from Tewksbury the first time? A. Yes, sir.

Q. And he called it a slaughter-house then? A. Yes, sir.

Q. How soon after he called it a slaughter-house did he go back to Tewksbury, do you recollect? A. I don't think he has ever been back there himself, but he carried an invalid boy. He didn't go back to stay: he said he wouldn't go back to stay, but he had a boy who had fits, and he came to me, while I was secretary of the board, and wished to have that boy returned to Tewksbury. I reminded him of the remark he made that it was a slaughter-house, and asked him if he was going to send him there to be slaughtered.

Q. What did he say to that? A. He said he could not take care of him. I asked him why he didn't go with him; he said he wa'n't going there to be killed.

Q. Now, with that exception, have you ever heard any complaint, either at the institution or outside, from any person who has ever been there, of any unkind treatment, or lack of food or anything of that kind? A. Nothing whatever.

Q. When you examined the institution in 1876, state how thoroughly you examined it? A. The first time I went there I stayed several hours and went through the whole institution accompanied, I think, by one of the young Marshes; I went through the whole institution. After that I used to go through and sometimes there would be an attendant that would go with me to some of the places, and sometimes I went entirely independent to visit those that I had carried there.

Q. Now, sir, what practice, if any, did you make in regard to inquiring of the inmates in regard to the character and condition of the institution? A. I usually inquired of them how they were and how they were getting along and how they fared.

Q. Did you make that inquiry in the presence of any officer of the institution? A. I think never.

Q. Did you make that inquiry of strangers, or people with whom you were acquainted? A. Those whom I had carried there.

Q. Now, in 1878, say, how many people were there there as inmates that you were acquainted with? A. There were very few that I was acquainted with when I first commenced going there, but in my subsequent visits I visited those I had carried there before.

Q. How many are there there now from New Bedford? A. I am not able to say, sir.

Q. Now, take the matter of cleanliness of the rooms, beds, bedding and clothing upon inmates; state what you have seen in regard to that? A. I should think that it was as well kept—

Gov. BUTLER. There, stop a moment.

Mr. BROWN. Don't compare it with any other institution.

The WITNESS. I wasn't going to.

Mr. BROWN. Well, go on.

The WITNESS. I was about to say that it was as well kept and as cleanly as it could be with that class of men; very many of them were diseased and men of filthy habits, and infirm and so on. I should say the rooms were kept clean and generally very well ventilated; some of them were lacking in ventilation.

Q. Now, this condition of cleanliness which you saw there, whether or not that, in your judgment, it could have been brought about in thirty minutes while you were coming up from the depot? A. I don't think it could be.

Q. Well, with regard to the food. A. I went to the kitchen; I never was there while they were eating, I think, but I went to the kitchen several times and examined the bread; and I recollect on one occasion being there when the meat was taken out, a very large quantity of it, and I inquired the amount that they provided; and it was taken out warm from the kettle and I examined it.

Q. Did you examine the soup? A. I did not; I don't recollect of being there at any time when they were making soup.

Q. Did you examine the beds and bedding? A. Yes, sir; and I should say the beds was generally in good condition.

Q. Did you examine to see what the ticks were filled with? A. I did not; nothing more than to put my hand on them.

Q. Examine the hospital department? A. I went through the hospital department.

Q. Did you go at any time to the children's hospital? A. I did.

Q. Did? A. Yes.

Q. How about the condition of that? A. Well, they looked clean, but they all of them had an unhealthy look, looked feeble; that is, those that were brought there; there were children

there with their mothers, some that I carried there, that were confined there; those were healthy and rugged.

Q. Now, these mothers that you carried there to remain during confinement; have you ever seen them to converse with them?

GOV. BUTLER. He didn't carry them; he has not said he did.

MR. BROWN. Met them, then.

GOV. BUTLER. You assume he carried them there; I have not heard he did.

MR. BROWN. I understood he did.

THE WITNESS. I spoke of some that I carried. Yes; I saw them after they were confined.

Q. Did they speak of their treatment? A. Yes, sir. I recollect one young woman about twenty years of age that I carried there, and she remained there, I think, till her child, I think, was about six months old, before she left.

Q. What was her name? A. Her name was Kate Morrison.

Q. Do you know where she is now? A. I do not, only from hearsay; I suppose she is in New Bedford, working in the factory.

Q. Working in the factory. A. Yes, sir; the child was at her father's house, the last I knew of it, a healthy, rugged boy.

Q. How long ago was that? A. I should think it was a year since I have seen her.

Q. How long ago was it she was taken there for confinement? A. In 1879, I think.

Q. Then, I understand you to say that the complaint which this man Beebe made was the only complaint that you have ever heard, in the institution or out of it? A. Yes, sir; from any one of the inmates.

Q. From any one of the inmates. A. Yes, sir.

Q. Now, have you heard complaints from any other source? A. Well, there has been a great deal of talk since this matter came up, of course.

Q. Since this matter came up? A. Yes, sir.

Q. Till this matter came up, this investigation, did you ever hear anything outside? A. I don't recollect from any inmate or from any person acquainted with it.

Cross-examination by Gov. Butler.

Q. I want to ask about this. From whom did you hear complaints since the investigation came up? A. I don't know that I ever heard any complaints from any one, excepting the general talk that it was a horrid state of things; complaints arising from newspaper reports.

Q. Well, now, I want to get a little about your going up. What does it cost to take an inmate from New Bedford there?

A. It costs about, — well, between three and four dollars.

Q. Fare up there and back? A. Yes, sir.

Q. And what did the attendant get? A. Nothing at all.

Q. Nothing at all? A. No, sir; I went there as the assistant secretary and visitor of the board; that was a part of my office.

Q. That was a part of your duty; and you are a paid officer, I suppose? A. Yes, sir.

Q. Very well; now, to take a child up there, — did you ever take a child up there? A. I think I never carried one.

Q. You never carried one. A. We generally sent a woman from the almshouse when we had a little child to carry.

Q. Now, the first time you went around, if I understand, you went with one of the young Marshes? A. Yes, sir; I think it was one of them.

Q. He attended you around. A. Yes, sir; showed me.

Q. Did you turn down the beds at that time? A. Yes, sir.

Q. What? A. Not at that time.

Q. Not at that time? A. I don't think I did at that time.

Q. You didn't attempt it at that time? A. No.

Q. Did you go into the kitchen at that time? A. Yes, sir.

Q. But at that time you heard no complaint? A. No, sir; there was nobody there that was acquainted with me; nobody who would be likely to complain to me.

Q. Nobody who knew anything about you. A. No, sir; I went there as a stranger.

Q. And they didn't volunteer to make any complaint to you in the presence of Mr. Marsh? A. No, sir.

Q. Now, did you go into that little room off of the hospital? A. I have no recollection of it.

Q. Did you go into the cell up in the attic? A. I have no recollection of going there; I went through the kitchen and the wards, the general wards,

Q. You went through the kitchen and the open wards? A. Yes, sir.

Q. Did you go into the bath-rooms? A. I don't remember.

Q. Don't remember the bathing-rooms? A. No, sir.

Q. But you went into the open wards and saw them? A. Yes, sir.

Q. Very well. Now, the next time you went there, — how many did you take up the first time, one? A. I think only one the first time.

Q. How long after before you went the next time? A. I can't recall the time, sir; I have no data from which to tell.

Q. Now, who did you go to see the second time you were there? A. The second time I was there I went to see the old gentleman I carried up the first time.

Q. He was in the old gentlemen's ward, was he? A. Yes, sir.

Q. And he said nothing to you? A. No, sir.

Q. The third time you went up there, who did you go to see? A. I don't remember who I carried the second time; I generally went to see those I had carried.

Q. The man you carried, — you didn't go to see him; you had had enough of his company. A. Those I had carried previously.

Q. I know; but you have got the old gentleman; who did you talk with the third time; the old gentleman you talked with the second time. A. I don't recall the names, sir.

Q. Tell me who you talked with the fourth time? A. I don't recall their names, sir.

Q. Tell me who you talked with the fifth time? A. I can't recall the names of the persons.

Q. Can you give me a single person's name whom you did talk with, so I can send for him, you know? A. I can't give you the name of any one I talked with and the time I talked with them. If you wish me to give you the name of any person I talked with I can give it to you.

Q. Pardon me; I want to know, — very well; now give me the name of a person with whom you talked. A. One was a Mr. Brown.

Q. Was he the old gentleman? A. No, sir.

Q. What? A. No, sir.

Q. What Brown was that? A. I don't recall his Christian

name. He died of consumption while there ; he was sick when I carried him.

Q. How long before he died did you talk with him? A. I think I saw him two or three times before he died.

Q. He was dying with consumption in the hospital? A. Yes.

Q. Give me the name of somebody else with whom you talked. A. Katie Morrison.

Q. Who was she? A. She was Katie Morrison of New Bedford.

Q. Of New Bedford? A. Yes, sir.

Q. She could not have been of New Bedford, very well, because she would have a settlement there ; she was Katie Morrison who was in New Bedford. A. She was Katie Morrison of New Bedford.

Q. From New Bedford. A. I don't speak of her settlement.

Q. Who was she? A. She was a young lady twenty-one years old, twenty years old.

Q. A young lady twenty years old? A. Yes.

Q. She was the one who had this baby? A. Yes, sir.

Q. And she is still to be found? A. Yes, sir.

Q. And what did she say? Where did you talk with her? A. I asked her how she was getting along and she said first rate ; I asked her how she liked, and she said very well, indeed ; said she was having a nice time.

Q. She was having a nice time ; do you know what she was doing? A. I think she was tending the baby when I saw her.

Q. Do you know whether she had any other business? A. She was helping about the ward where she was.

Q. She was having a nice time. Tell me somebody else you talked with? A. Well, I talked a very little with another one : she was a Portuguese girl and she couldn't speak English very well, and I didn't have much conversation with her.

Q. The other was a Portuguese girl who could not speak English. A. Not very well.

Q. Tell me somebody else? A. I can't recall the names.

Q. Oh, I would ; can't you help me any? A. What say?

Q. Can't you help me to somebody else? The Portuguese girl can't do me any good, the consumptive is dead, and the old man, I think, is dead by this time. A. I don't know ; he came back to New Bedford.

Q. He liked so well he came back. A. He ran away.

Q. What? A. He ran away from the institution.

Q. That was evidence of his liking; he ran away? A. Yes, sir.

Q. We have got Katie Morrison, and we have got the old man who ran away, and the one who died with consumption, and the Portuguese girl. A. Yes, sir.

Q. Well, we haven't got a large list that you talked with to select from? A. Oh, no; not very.

Q. Anybody else you talked with? A. I think I saw an old lady, but I cannot recall her name.

Q. That won't help me any. A. No; not a bit.

Q. Not a bit; is she alive or dead? A. I do not know; she was very old when we carried her there. She was an old Scotch woman.

Q. All these people had to go there? A. They all did go there.

Q. They didn't go from choice? A. Some of them did.

Q. After they had been in the New Bedford almshouse? A. No, sir; before they were carried there.

Q. They went from choice; what choice had they? Where could they go if they didn't go there? A. They had no means of support, and chose to go there rather than to starve.

Q. Oh, yes; that is what you call choice? A. Yes.

Q. Choice between starvation and Tewksbury? A. Yes.

Q. And they chose Tewksbury? A. Yes, sir; a wise choice.

Q. What? A. A wise choice, I think.

Q. I think it was a wise choice; if I could not do any better, I don't know but I should go there rather than starve, myself. But this old man, he chose rather to go away and starve, than to stay there? A. Yes, sir; there wasn't rum enough there for him.

Q. Well, did he stay in New Bedford where he could get rum enough? A. I don't know; I don't know whether he is living now, or not.

Q. What? A. I don't know whether he is living or dead.

Q. And on the testimony of this one man who swore that it was a slaughter-house, and one man who ran away, and one who died of consumption, and a Portuguese girl who could not speak English, you think the institution has a good reputation? A. I have not said so.

Q. Nor you don't mean to say so? A. No, sir; I do not.

Q. You don't think it had a good reputation? A. I do not think anything I heard gave it a bad reputation.

Q. From these people? A. No, sir.

Q. Now, don't you know, Mr. Witness, that there has been for years a good deal of objection to people going to Tewksbury? A. No, sir.

Q. Not any? A. I know there have been people in New Bedford who have objected.

Q. I only wanted within your knowledge. You don't know all over the world? A. No, sir.

Q. That is very evident. Within your limited means of knowledge don't you know it? A. I know of persons that have objected to going there.

Q. Many? A. Not a great many, I should say.

Q. Not a great many more than those you have said spoke well of it? A. Well, there are a great many people that don't like to go to any almshouse.

Q. I know. And they objected to going; but they had to go. A. Some of them.

Q. Did you ever know anybody that had any chance to live anywhere else willing to go there? A. I should be ashamed if they did.

Q. What? A. I should be ashamed of them if they did if they could get a living themselves.

Q. Whether any person who had any chance to live anywhere else would go there from choice? A. I say I don't know of such. I should be ashamed of them if they did.

Q. Now, did you know, or did these people know, that they were likely to be cut up if they died? A. I never asked them the question and I don't know anything about it. I don't know.

Q. You didn't know? A. No, sir.

Q. Well, you examined into all these matters at Tewksbury. Did you examine the dead-house? A. No, sir; I think not.

Q. Did you examine the provisions for funerals, to see how they did it? A. No, sir; I did not.

Q. Did you make any inquiry upon that? A. No, sir; I think not.

Q. Well, that would have been a pretty material matter to you, supposing you had been going there, if you had known you

were going to be cut up after you got through? A. Well, that is a mere matter of taste.

Q. Would your taste have been that way? A. My taste would be not to be cut up, either dead or alive.

Q. Well, it is likely other people's tastes would be that way? A. Yes, sir.

Q. It would add a new terror to death, would it not, to know you were lying there, and it was only a day or two, three, four or five days, before you were to pass away, and you would be put under the dissection-knife? A. I have known instances where they requested it.

Q. Well, give me — who was that fellow; I want to catch him. A. Josiah Stevens.

Q. Who is Josiah Stevens? A. An old man who died in 1865, in New Bedford.

Q. And was he cut up? A. Yes, sir.

Q. Left it in his will? A. No, sir; he requested it.

Q. Post-mortem? A. Yes, sir.

Q. Oh, is that what you mean? A. Yes, sir.

Q. After the post-mortem examination he was buried, I suppose? A. Yes, sir.

Q. Well, now, Mr. Preacher, did you understand me to mean a post-mortem examination? A. Mr. Governor, I did.

Q. Now, you did understand me to mean — when I asked about a man going under the dissecting-knife you understood me to mean a post-mortem examination. A. You didn't say dissecting-knife, you said cut up.

Gov. BUTLER. I put the dissecting-knife in, I think.

The WITNESS. I think not.

Gov. BUTLER. The record will show.

Q. Very well, whether I said dissecting-knife or not, do you — after I put this question to you, as an honest man, whether you didn't think it would add a new terror to death to know that you were dying, and in a day or two, more or less, you might be sent away to be cut up and not buried, and after you told me about Mr. Josiah Stevens, do you think that a fair answer to my question? A. Yes, sir.

Q. You do? A. Yes; as fair as the question.

Q. Now, do you know anybody who would desire to be dissected and their bones exposed, if you please, and their skin tanned, and a few little things of that sort done with them? A. Well, as far as the tanning is concerned, I never heard. I

have heard men say they didn't care how fine their bodies were cut up after they were gone.

Q. Is that the general opinion of the community? A. I should think it was not.

Q. Give me anybody else, — leaving out post-mortem examinations, which we all want to have, to know that we are actually dead before we are buried — will you tell me anybody who expressed that desire? A. I don't know that I could recall the name.

Q. Give me anybody, dead or alive. A. I don't know that I recall any person's name.

Q. When were you first called upon to be a witness here, sir? A. Well, sir, it would be very difficult for me to tell you.

Q. Why so? To be a witness in this case? A. I received a telegram night before last, saying "Go to Boston immediately."

Q. From whom did you receive it? A. From my son.

Q. Where is he? A. In New Bedford.

Q. Where are you living? A. I am living in New Bedford when I am at home.

Q. Where were you then? A. At Killingly, Conn.

Q. You received a telegram from your son to go to Boston immediately. A. Yes, sir. I have the telegram if you want to see it.

Q. When was that? A. Night before last.

Q. And you came instantly? A. No, sir.

Q. What? A. No, sir.

Q. How long did you wait? A. Until four o'clock the next morning.

Q. Well, that was as near instantly as you could come. That is, by the train you came directly. Now, I will see the telegram, if you are anxious to show it. [Takes the telegram.] What is your son in New Bedford? A. He is clerk in a grocery store.

Q. "Go to Boston immediately. Report at 150 Devonshire Street." [The telegram.] Did you know what you were wanted for? A. I supposed I did.

Q. Had you had communication previous to that time? A. With whom?

Q. With anybody about this matter? A. Yes, sir.

Q. Who was it? A. A gentleman in New Bedford.

Q. What was his name? A. His name is Milliken.

Q. An official anywhere? A. No, sir; not to my knowledge.

Q. And whom did you find at 150 Devonshire Street? A. Unfortunately I didn't find anybody except the doorkeeper — the janitor.

Q. What is that place?

Mr. BROWN. The Equitable Building.

Q. Whom did you first see about your testimony? A. Previous to coming here?

Q. Yes. A. Mr. Milliken was the first man that spoke to me about it. That was on Saturday last.

Q. Then you find yourself here? A. Yes, sir.

Gov. BUTLER. I don't think I shall want to trouble you any further, Mr. Coe.

TESTIMONY OF ORVILLE F. ROGERS (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name, Doctor? A. Orville F. Rogers.

Q. And you are a physician, are you? A. Yes, sir.

Q. Where are you stationed? A. In Dorchester.

Q. Are you physician at what is called the Austin farm, the city poor-farm? A. I am.

Q. How long have you been there in attendance? A. About five years.

Q. Are you the only physician there? A. Yes, sir.

Q. That, I believe, is the place where the female poor of the city of Boston are kept? A. It is.

Q. Doctor, how frequently, since you have been there, have you had people brought to your institution from the almshouse at Tewksbury? A. I could not say. Not very frequently; from my observation I could not say.

Q. You have had some? A. I should not necessarily see them unless they were sick.

Q. Do you recollect sometime within a year or two you had quite a squad come there? A. Yes, sir; I remember hearing them spoken of.

Q. Have you ever had any conversation with any of these people with regard to their having been at Tewksbury? A. Yes; I have at some time.

Q. Give us the name of any person. A. I could not give you the name of one of them.

Q. Could not? A. No, sir; I make no attempt at all to remember the names of patients.

Q. Have you had conversation with any of the inmates of your institution recently who have been to Tewksbury? A. Yes; I have.

Gov. BUTLER. Well, I must object to that; this getting up testimony about this thing recently.

Mr. BROWN. What is that?

Gov. BUTLER. I must object to what has been said and done recently, because I have always carefully excluded what complaints there may have been against Tewksbury since this investigation commenced, you have observed. Because it would not be fair to the institution or fair to anybody to put in such complaints. I could do a great deal of that. It is just as unfair that since this thing has been going on there have been inquiries made, because it is what we lawyers call "after litigation moved." Both sides can go and talk with people, taking care to test them properly or have them instructed beforehand, or put on honest witnesses to tell what they have been instructed before. It would be easy to get up any quantity of testimony in that way. Anything that he heard before or did not hear before I am content with, and I suppose he will give us a fair account of it.

Mr. BROWN. Mr. Chairman: I suppose it would not be fair if an inmate made a complaint against the institution; but if an inmate had been at the institution before this investigation commenced, and, notwithstanding this investigation, wanted to go back there in order to return to the paradise of her former years, I suppose that would be proper; and I don't suppose that would hurt anybody, and I think the committee would like to know something about a case of that kind.

The CHAIRMAN. I will submit the question to the committee.

Gov. BUTLER. If you will allow me. I say this: If this was a matter of choice with these poor people that argument would be of some weight. But it is, — as this preacher witness of ours told us, — it is that or starve. What they say or do not say, when they are going back, is of no consequence. They have got to go there. And I have not objected to this beforehand, although it is subject to objection, but afterward it is not fair to put that in, because there is not any testimony that can be made that way. And it is just as fair for me to put in their objections to going, as it is for them to put in whether they will

or won't go. I agree that people have to go there. One has had to go there who has been on this stand; and I hope that sometime the institution will get in such condition that everybody will be as willing to go there as they are to go anywhere where such people have to go.

The CHAIRMAN. I don't understand they are compelled to make any statement for or against the institution, if they are compelled to go back.

Gov. BUTLER. But their statement for or against the institution, since the investigation, is not proper, in my judgment, and is as unfair on this side as on the other.

The CHAIRMAN. State the question, Mr. Brown.

Mr. BROWN. I want to say a single word, because I think I have been misunderstood. [To the governor.] I am perfectly willing you should have the close. [To the committee.] This case I offer is not a case where it was starvation or Tewksbury; it was a case where a party was bound to stay at the Austin poor farm, but wanted to go away and go to Tewksbury. I take it that is not starvation or Tewksbury; it is simply Austin farm or Tewksbury.

Gov. BUTLER. Then I don't know but there is a worse place on earth than Tewksbury, and it may be this very farm; and I have got to go into that and ascertain what on earth there is at this farm that makes a person prefer Tewksbury to it. It opens that field.

The CHAIRMAN. State the question, and I will submit it to the committee.

Mr. BROWN. I want to ask this witness, under a previous ruling in regard to introducing evidence as to what the inmates of Tewksbury have said about the institution who have come here, I want to ask in regard to a particular case, where a person formerly an inmate, before this investigation commenced, and now at the Austin farm, expresses a desire, who has spoken in regard to treatment at Tewksbury, as I understand, has expressed a desire to go back there; and that has been expressed since this investigation.

Gov. BUTLER. Then I have got to go into what has been done, and find whether she has not been hired to do that.

Mr. BROWN. I don't object to that.

Gov. BUTLER. I do, because life is short.

[The committee voted that the question might be asked.]

Q. (By Mr. BROWN.) To whom did you refer in your testimony a few minutes ago?

Gov. BUTLER. He said he could not give her name?

The WITNESS. I cannot give her name. She is an old woman who is partially blind. She must be about seventy years old.

Q. How long has she been at the Austin farm? A. It would be a guess; but I should guess about a year.

Q. Had conversation with her recently in regard to her experience at Tewksbury? A. Yes; I asked her as a matter of curiosity.

Gov. BUTLER. Does the committee admit this now? Do I understand the committee vote this sort of thing in?

Mr. BROWN. The witness has already testified that a woman whose name he does not recall, who is well informed, about seventy years of age, and who has been at the Austin farm something like a year— He has proceeded to say that as a matter of curiosity he had conversation with her in regard to Tewksbury, and then he was going on to state what she said when the governor objected.

Mr. MELLEN. I move a reconsideration of the vote whereby we voted to admit that. I don't believe in it. I don't believe it is fair, and I don't want to stay here six months. If we are going to have officers of institutions, city, local, inquiring of aged inmates as to what their opinions of Tewksbury may be, if they have ever been there, and then come here and tell their stories, it seems to me this investigation will never end. I don't see as it has any bearing. If they want to bring this witness here that is another matter.

The CHAIRMAN. The question has already been put. This is another question.

Mr. MELLEN. Then I move that we go no further in this line.

The CHAIRMAN. I will submit the motion to the committee.

Mr. BROWN. Would it be proper for me to say a word in regard to that? The committee have voted two or three times, as I understand it, to allow the defence to interrogate persons who have had the opportunity of visiting the institution and of conversing with people who have been there as inmates, for the purpose of ascertaining what complaints have been made against the institution; and the committee so voted because His Excellency claimed, in putting in his case, that it was this complaint in regard to management, food, discipline, clothing, cruelty,

and all that sort of thing, that made up the record of the institution. And if you refer to the printed record of His Excellency's case you will find innumerable instances where that sort of thing was done. People were asked, well, what did this man say of his treatment, or that woman, or the other woman. The Dudleys, and the Barkers, and all that class of people, testified to what had been told them in regard to the treatment of people there, what people said as to what had taken place there. Now this is precisely this case, and no different. Here is a person who has been at this institution, as I understand it, that speaks well of it; and that, if I appreciate this case, is objected to because the institution is well spoken of. It is not possible, His Excellency says, to meet a case where I put in the evidence of a person who speaks well of the institution; but he holds me up to the strictest rule to meet every case where he put in the evidence of somebody who spoke ill of the institution. Now, that is precisely where we are. Now, if it was fair in one case,—and it seemed to have been admitted, because the committee thought it was fair, and wanted to give in this case the fullest possible scope,—if it was fair in one case it is certainly fair in the other. I don't believe in indulging very much in this kind of testimony. It was indulged in to a very large extent in His Excellency's case, and I purpose to meet it by showing, from a certain number of witnesses who have had an opportunity of seeing and conversing with people who have come from the institution, that they were well clad, that they never complained of improper food, or anything improper at the institution. I propose to meet it, not with a large amount of testimony, because I am perfectly well aware that this general testimony does not touch the question of cruelty or abusive treatment which has been testified to in His Excellency's case; and I have not offered very much of this kind of testimony,—only two or three witnesses, so far, — and I have very little of it to offer. But here, for instance, is a physician at the Austin farm. The city of Boston sends a great many people to Tewksbury, and takes a great many back. I suppose that this woman came back to the Austin farm, because, after having been at Tewksbury, it was found that she had a settlement in Boston, and so came back. And it is not a question as between Tewksbury and starvation; it is a question between the treatment at the Austin farm and at Tewksbury. And I take it that the reputation of the treatment at the Austin farm is something

that this committee may fairly take cognizance of. This committee has taken cognizance of the treatment in town poorhouses all through this investigation, and, I think, at the suggestion of His Excellency, if I am not mistaken. I recollect one member of the committee said that he didn't care to hear anything about what took place at Lancaster, because he was familiar with the institution. I don't think it is unreasonable to ask that the committee on public charitable institutions should take judicial notice of the average character of the poor-farms in Massachusetts or in the city of Boston.

Gov. BUTLER. A more gross misstatement I never have heard than the statement that I have, in innumerable instances, put in this class of testimony, when I never have, in a single instance. The distinction is as wide and as broad as can well be. I have asked for complaints made in the institution to officers of the institution while in the institution. It is said that I have done it through Mr. Barker and Mr. Dudley. I never asked them of any complaint made outside of the institution. I never went down to Danvers to have the insane people there tell their attendants what was done with them at Tewksbury, where Mr. Dudley was employed. I didn't ask anything of that sort, haven't asked anything of that sort, and it is a gross misstatement. Now, then, what is the proposition now? They say that some old woman, blind, has desired to go to Tewksbury rather than remain in the present place where she is, and that is gravely put forward, after raking the Commonwealth with a fine-tooth comb for witnesses in behalf of Tewksbury,—it is gravely put forth as a defence for this institution that there is an old woman, who has so far lost her mind and her eyesight, that she is willing to go back to Tewksbury. I should be very willing to hear it, or anything of the sort, except on account of the question of time that it takes; but it must not be made general upon the ground that I have put in such testimony, or that you have voted that I should put in such testimony. When you ruled on the case of Andrews, which was said to be a precedent for it, that I put in hearsay testimony, that hearsay testimony was about where the bodies came from that he was selling at the time; that was a declaration coming years ago. Now this is something got up within two or three days, and I respectfully ask the committee to say whether we shall go into it, whether it is evidence. Let them bring the old lady here; let us see what her mind is. Why distil it through the alembic of the doctor's mind and memory?

Let us have it fresh from the cask, whatever her opinion is. And I respectfully say that if she should come here now and say she did want to go back again, it would not be any evidence. It don't tell what her motive is or what motives have been brought to bear. She may have a child there that she would rather go and stay and suffer with than to remain away from. Then there is another objection. You are told that you are to take notice, cognizance of all the poorhouses in this State. Oh, no; oh, no. You are to take cognizance of the public charitable institutions of the State—and that is about as much business as you can attend to—not all the uncharitable institutions of the towns of the Commonwealth. And we have got to go into the examination of what are all the causes operating upon this woman's mind. I have put in complaints made at the place and at the time in Tewksbury, to show that these matters came to the attention of the officers there, in order to show the mismanagement of the institution. One I proved this very morning. Here was a man's head and face gnawed by the rats, by the neglect of the watchman. He died, and no man knew when he died, or whether the rats ate him before or after. He died, and yet that watchman was kept in all the same until the first of May, when, through my act, perhaps, I may say, a change was made, and then that man left.

MR. LORING. Governor, I think you are arguing a question which should be reserved until the evidence is in.

GOV. BUTLER. What, sir?

MR. LORING. I think you are arguing the case. I think you are arguing a point that you ought to reserve until the evidence is all in.

GOV. BUTLER. I am arguing upon the question of the difference between the complaints I have put in and the absence of complaint which Mr. Brown proposes to put in.

MR. BROWN. You will find it on the 94th page: "Q. You didn't hear that? A. My wife told me. Q. She will tell us about that? A. My wife came back and told me that Dr. Lathrop had said he was tired and it would not do any good for him to come over."

GOV. BUTLER. Certainly.

MR. BROWN. That was one of the complaints charged against this institution.

GOV. BUTLER. Certainly.

MR. BROWN. On the hearsay of a man who was there as an

officer, and who was afterwards brought here to testify, and the committee allowed it to go in.

MR. LORING. We let in everything in the way of hearsay that could be brought to show bad management, or complaint of any kind, without regard to whether it was hearsay or otherwise.

GOV. BUTLER. Again I am to be closed upon.

MR. BROWN. Won't you let me get through?

GOV. BUTLER. No; because you have no right to say anything. I got up for the purpose of stopping you.

MR. BROWN. Now—

THE CHAIRMAN. I think the governor has the floor.

MR. BROWN. Does he have the floor before I get through? I am always willing he should have it, but I want to say another word.

GOV. BUTLER. I object to his saying anything. It is one of my rights and the committee ought to save it to me.

THE CHAIRMAN. Mr. Brown had not the right really to speak this last time. The governor had the close.

MR. PUTNEY. It seems to me that this question differs widely from any question that was asked. The witness was about to testify that out of curiosity he inquired of this old lady about the management and condition of the Tewksbury almshouse. Am I right?

MR. BROWN. No, sir; that is not the question.

MR. PUTNEY. I understood him to say that was about what he was to reply.

MR. BROWN. No, sir; I don't understand that to be the case.

MR. PUTNEY. Can the reporter read the question?

[The reporter read the question last objected to and the answer made by the witness.]

MR. PUTNEY. It seems to me that the witness was endeavoring to get some information out of this old lady as a matter of curiosity to him. Now I take it that when Mr. Dudley spoke of what his wife had told him he referred to her as being an attendant at the institution and as knowing to certain facts: and afterwards she came upon the stand here and testified. Now, if this old lady is able to come upon the stand and tell her own story before this committee, it seems to me that would be another proposition than the one we have before us.

MR. BROWN. Mr. Coe just left the stand, and his whole testimony was in regard to what he had heard inmates say. This is precisely the same case as Mr. Coe's.

Gov. BUTLER. If you had put that in, and said — on the ground in Tewksbury —

Mr. BROWN. And elsewhere.

Gov. BUTLER. I didn't object to his commenting on Mr. Beebe, for I knew that he was staunch.

Mr. BROWN. His was talk with other people outside, sir.

Mr. MELLEN. There is no parallel, in my mind, between this case and any other that has been put before this committee. It is very dissimilar to this which Mr. Brown refers to. Now what would prevent counsel from sending to these institutions where there may be former inmates of the institution at Tewksbury, getting people to interview them, and having those people come on the stand and say that this man, that woman, and the other, had said something derogatory to the management at Tewksbury? Would that be competent? Would it be wise to enter into this class of evidence? I have no objection to this old lady coming on the stand and telling her story, but I do think it unwise for this committee to take the testimony of any one who, from curiosity, goes to some former inmate and then comes here to tell what that former inmate said — whether it is favorable or unfavorable matters not to me. I maintain that this examination is very dissimilar from everything we have had before. We have established no precedent for it.

Mr. LORING. My trouble is that practically there is not much difference in degree in hearsay evidence. When we go into hearsay evidence there is no end to it. The trouble was on the first night, as I look at it, in letting in hearsay. We say there are different degrees of hearsay and this is one of the degrees. I should think this was very incompetent if we hadn't been admitting it right along.

The CHAIRMAN. Mr. Mellen moves that the question be rejected.

[The question was put and the motion to reject the question was lost.]

The CHAIRMAN. Answer the question, Doctor.

Mr. BROWN. You were going on to state what conversation you had.

The WITNESS. I asked her how she liked Tewksbury and she said very well. I asked her if she had plenty to eat and she said she did. I asked her if she was treated well and she said she was. I asked her which place she liked the best, the Austin farm or Tewksbury, and she said she liked them both very well;

that she was in Tewksbury a good many years, and she thought she had rather live there, because it seemed more like home to her. That is the substance of all she said.

Q. Now, when was that conversation? A. Yesterday or day before.

Q. Now, Doctor, have you had an opportunity of seeing patients who came from Tewksbury to the Austin farm soon after their arrival? A. Yes, sir.

Q. How have they been clad? A. I could not say that I ever saw one with the clothing on that she had when she came from Tewksbury. I don't know whether they were the Tewksbury clothes or not.

Q. I don't care whether they wore the clothes they wore as inmates; were they comfortably clad when they arrived? A. I didn't see them when they arrived.

Cross-examination by Gov. Butler.

Q. How came you to be asking this woman about Tewksbury? A. I have stated that it was out of curiosity.

Q. Who stimulated your curiosity? A. Mr. Bacon.

Q. Mr. who? A. Mr. Bacon, superintendent of the almshouse, told me that I was wanted to come in here and give my testimony, and he showed me —

Q. Before or after you talked with the old woman? A. It was before.

Q. How long? A. I have no objection, sir, to stating all that I know about it, which was just this. I am a very unwilling witness here.

Gov. BUTLER. I am content you shall be, sir; it is all right.

The WITNESS. If you will let me state it I will tell you; it will save you lots of time. When I reached the institution yesterday, Mr. Bacon gave me the subpoena of the sergeant-at-arms to appear here to-day. I said I knew nothing at all about it. I had seen these women. I had heard that certain women had formerly lived at Tewksbury. I had always understood that they were clean and well clothed when they came in; I had heard it spoken of various times. I had attended some of these women.

Q. (By Gov. BUTLER.) Now, I don't want you, as an unwilling witness, to put in everything. Now, if you will answer my questions I will be much obliged to you? A. That is all I know about it.

Q. Pardon me : that is not anything I was asking you about. Answer my question, Mr. unwilling witness. This is it. After you got your subpoena you talked with this old woman? A. I think I talked with her after I got my subpoena.

Q. And you talked with several others? A. Yes, sir; three or four.

Q. In order to qualify yourself as a witness? A. In order that I might know —

Q. You didn't know anything when you were summoned, and you went and made inquiries in order to know something to testify? That is it, is it? A. Yes, sir.

Q. The witness was summoned, and didn't know anything. Then he went and talked with some old women in order to find out something that he could tell. And now you swear you are an unwilling witness? A. I didn't want to come here.

Q. I know you didn't. If you had told them you didn't know anything, they probably would not have summoned you. Being an unwilling witness you went and qualified yourself so you might be called; was not that it? A. I went and talked with the women.

Q. In order to qualify yourself to tell something here in favor of this institution. That was so, was it not? A. Yes, sir.

Q. Well, now, what made you do that? A. What made me do it?

Q. What made you do it; yes, sir. A. I had no purpose except to satisfy myself.

Q. Why did you do it if you had no purpose? A. I believed they were well treated —

Q. Nothing more? A. — from what I had heard.

Q. I will come to that in a moment. Why did you do it? If you had heard beforehand, what did you want to go and qualify yourself afterwards for? Were you asked to do it? A. No, sir.

Q. Unwilling to come here, you went and qualified yourself in this way. How many in your institution, do you know, came from Tewksbury? A. I don't know, sir.

Q. About how many? A. I could not tell you.

Q. Cannot tell that. How many did you talk with? A. Three or four.

Q. Are there double or treble that number there? A. Probably double that number.

Q. What? A. I presume double that number.

Q. The old woman was one. What is her name? A. I cannot tell you.

Q. Cannot tell. Who next did you talk with? A. Another old woman in the old ladies' room. I could not tell her name.

Q. Another old woman. Who else did you talk with? A. Perhaps one more; I don't recollect.

Q. What? Perhaps one more? It was only yesterday. A. I presume I talked with three.

Q. You cannot remember any other? A. I remember this old woman.

Q. These two old women. Now, we will take the first one of these nameless old women. How old is she? A. Seventy or seventy-five years old.

Q. What is the matter with her? A. She is old and debilitated; she has bad eyes, and she is weak and old.

Q. How is her mind? A. Somewhat impaired, I think.

Q. A weak old woman with impaired mind. And there is where you went for information was it? Don't you think it would have been better to have taken some young woman who has not an impaired mind? Now, try t'other woman; you haven't told us about her. How old is she? A. She is sixty or seventy, I think.

Q. Seventy-five? A. Sixty or seventy.

Q. Somewhere from sixty to seventy. What is the matter with her? A. I don't know that anything is.

Q. You have not told us what she said, and I shall not ask you. Is her mind impaired? A. I don't think it is. She talked very intelligently.

Q. This one talked very intelligently; and you haven't told us, and Mr. Brown has not asked you to tell us, what the intelligent one told you. A. I did not say the other woman was not intelligent.

Q. Intelligent as a person with impaired mind could be. Well, this old lady is so blind she can't read, — can she? A. I think not.

Q. Did you tell her, did you say to her: Now do you want to go back there, madam, and when you die be taken down to the Harvard Medical School to be looked over by a lot of Harvard students and cut up? A. No, sir.

Q. You didn't put that before her, did you? You didn't

give her the true condition of things at all? A. Well, I asked her what her opinion was of Tewksbury.

Q. She said that she thought Tewksbury was about as good as Dorchester poorhouse; she didn't see much difference, but rather preferred Tewksbury on the whole, because she was more used to that sort of thing? A. She didn't say that.

Q. Or because it was more like home. A. She knew more people there, and it seemed more like home.

Q. She knew more people there, and she would seem more at home to be among people she did know, rather than to be among strangers. Now, Doctor, didn't she say that everything was very fine there, —very nice? A. No, sir.

Q. Did not? Didn't she give your institution a little cracking up and say: Everything is very nice here, and it is very nice there; but I know more people there. A. I don't recollect that she did.

Q. But the ground of her going back to Tewksbury was that she knew more people there. Do you know whether she had learned that the Marshes were out now? A. I didn't ask her.

Q. Did you tell her? A. No.

Q. Whether she knows that or not you don't know? A. No.

Q. If she was intelligent, and her mind was not too much impaired, don't you think that would make a difference? A. I doubt if it would.

Q. That is a matter of doubt in your mind. Now, Doctor, were you educated at Harvard? A. No, sir; I was not. I attended one course there.

Q. What? A. I attended one course at Harvard.

Q. Where was the other? A. In New York, at the College of Physicians and Surgeons.

Q. When were you at Harvard? A. In 1862 and '63.

Q. What? A. Between 1862 and 1863, I believe.

Q. In 1862 and '63? A. Yes, sir.

Q. At the Harvard Medical School? A. Yes, sir.

Q. Did you ever see any human skin at Harvard? A. Beg pardon.

Q. Did you ever see any human skin at Harvard? A. Human skin?

Q. Yes, sir; tanned. A. No, sir.

Q. Ever look in the museum? A. Yes, sir.

Q. Haven't they some there? A. I could not state.

Q. What? A. I could not say.

Q. Do you know whether you ever looked at any or not?
A. I have seen tanned human skin in my life.

Q. Where did you see it? A. I saw some that a man was showing once.

Q. Where was that? A. A medical student, I believe, — in New York.

Q. Ever see any at Harvard? A. No, sir.

Q. Ever see any in the hands of a Harvard student? A. I don't recollect that I ever did. I never saw but perhaps one or two pieces of human skin tanned.

Q. Was that made up into any article of luxury, or comfort, or discomfort? A. I believe I saw one that was stretched on a little tablet.

Q. Stretched on a tablet? A. Yes, sir; a tiny piece.

Q. What? A. A tiny piece.

Q. Now, Doctor, did you do dissecting at Harvard College?
A. No, sir.

Q. You did not? A. No, sir.

Q. I thought they did that the first year. A. They do.

Q. And you didn't? A. I didn't. I had previously done it.

Q. Where? A. At Manchester, N. H.

Q. Not in any of our institutions? A. It was not in any institution; it was under a private preceptor.

Q. Not in our institutions? Did anybody suggest to you to go around and talk with these old women? A. No, sir.

Q. It was simply a voluntary matter on your part? A. Yes, sir.

Gov. BUTLER. That is all.

The CHAIRMAN. I think we had better adjourn.

Mr. BROWN. The next witness will be very short: I shall not want more than five minutes with him.

The CHAIRMAN. You may call him then.

TESTIMONY OF JOEL L. BACON (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Joel L. Bacon.

Q. And you are overseer of the Austin farm? A. I am.

Q. How long have you been there? A. Seven years.

Q. You frequently have people come from Tewksbury to the Austin farm? A. Well, I would not swear to only one batch.

Q. When was that? A. That was July 16, 1881.

Q. How many were there? A. Nine.

Q. All women? A. All women.

Q. What was there condition? A. Good.

Q. How as to their clothing? A. Their clothing was good ; I didn't see them when they first arrived ; I saw them soon after, and the matron told me they came clean and well clothed.

Q. You saw them afterwards? A. Yes sir ; I saw them very soon afterwards.

Q. Are they any of them at the institution now? A. Five.

Q. What became of the other four? A. Two of them died and two took their discharge.

Q. From the Austin farm? A. Yes, sir.

Q. Of the five who are there now, or who have been there, have you ever heard any complaint of want of food or clothing, mismanagement, or anything of that kind? A. Never a word of complaint in the world.

Q. Have you ever heard anything favorable to the institution from them? A. Yes, sir. That very day they came they were feeling badly to think they were removed from Tewksbury, and told me they didn't want to stay. That was within half an hour after they arrived.

Q. Arrived where? A. At the Austin farm ; I told them we would try to make them comfortable and I guessed they would get over it in a few days and be happy and contented.

Cross-examination by Gov. Butler.

Q. Who were these people? A. Inmates.

Q. I know ; but what kind of women are they? A. Good old ladies.

Q. Were they all of one nationality? A. No, sir.

Q. What nationality were they? A. Some of them were Irish and some American.

Q. They were all old ladies? A. Yes, sir ; we don't have anything else but women.

Q. How old were they? A. Somewhere between forty-five and eighty ; one of them I think was eighty ; perhaps there was not any of them less than sixty, but I cannot say.

Q. And they came there in 1881? A. Yes, sir.

Q. How came they to come there? A. Because they were city charges.

Q. What? A. Because they belonged to the city of Boston.

Q. How long had they been at Tewksbury? A. They had been there a good many years — that is some of them; one of them told me she went there in 1861.

Q. You refer to the same farm that the doctor has been talking about? A. Yes, sir.

Q. Those old ladies came there and they said they were comfortable at Tewksbury. Hospital patients? A. No, sir; not at the time.

Q. How came you to ask them whether they were well treated unless you supposed they might not have been? A. I did suppose they were.

Q. Then why did you ask them? A. Because they were feeling bad.

Q. Because they were feeling bad? A. Yes, sir.

Q. Feeling bad about what? A. That they were removed from Tewksbury.

Q. They were feeling bad. Why did you ask them? A. Because I supposed that was the reason, — that they were well treated.

Q. So you asked them that? A. Yes, sir.

Q. From 1881, when was your attention first called to these women? A. Within half an hour after they arrived.

Q. When was your attention next called to them? A. Right along; every day almost; there is not a day passes, not many days, but what I talk with them.

Q. What? A. There are not many days but what I have more or less conversation with the inmates.

Q. Now, then, when was your attention first called to what these old ladies said in order that you might repeat it again? A. The day they arrived there.

Q. When next after that? A. At various times.

Q. By whom? A. I don't understand your question.

Q. I see you didn't. When was your attention first called to what they said in order to repeat it here as a witness? A. To appear here as a witness?

Q. Yes; when was your attention first called to the conversation that you have told us about, as to what these old ladies said? A. A gentleman called at my place, I should say, about two weeks ago; I could not say what day.

Q. Who was that gentleman? A. I think he told me his name was Stone.

Q. You never saw him before? A. Never.

Q. And he asked you about it, did he, — what you knew?
A. No, sir.

Q. Didn't say a word to you about that? A. No, sir.

Q. What? A. No, sir.

Q. And you didn't tell him anything? A. I asked him, "What do they want of me? And he said: "I understand there have been inmates transferred from Tewksbury to your institution and they want you to come and testify what condition they came in."

Q. What was the condition? A. Yes, sir. I told him I could tell them very little about it, except that they had spoken well of the institution, and that they came to our institution in good order.

Q. Did they come directly? A. Directly from Tewksbury.

Q. How long have you been at the institution? A. Seven years.

Q. Do you know any one in Tewksbury, — any of the officers? A. No, sir.

Q. You said that these old ladies said they were sorry. Did they tell you the reason why? A. They had been at Tewksbury so many years that they liked there. And I said: "Then of course, you were well treated."

Q. How? A. I said: "Then of course you were well treated." They said: "Yes; and I wish I had been left there."

Q. Did they say that they knew the people there, and therefore it was more like home to them? A. Yes, sir.

Q. They said that. That is the reason why they felt bad. Was one of these the woman that the doctor has been talking about, with sore eyes? A. She was one of them. I don't know as I talked particularly with her.

Q. Two died, and two have been discharged? A. Yes, sir.

Q. How many were there at first? A. Nine.

Q. All came at once? A. Yes, sir.

Q. When were you summoned here? A. Yesterday.

Q. At the same time the doctor was? A. The summons was left with me for the doctor. His and mine came together.

Q. Then you are the man who summoned the doctor. A. I am the man who showed it to him ; I am the man who handed it to him.

Gov. BUTLER. That is all.

Adjourned to meet Friday, June 1, at 9.30 A.M.

FORTY-SECOND HEARING.

FRIDAY, June 1.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

The CHAIRMAN. Call your witness, Mr. Brown.

TESTIMONY OF ALEXANDER H. RICE (*sworn*).

Direct examination by Mr. Brown.

Q. You were formerly Governor of Massachusetts? A. I think I was, sir.

Q. I ask you the question to make it appear on the record. In what years? A. In 1876, 1877, and 1878.

Q. Three years. During those years did you make any visit to this institution at Tewksbury? A. I did.

Q. How many? A. I think I made two.

Q. And in whose company, if in the company of any one, did you go there? A. In the company of members of the executive council.

Q. And who were the members who visited Tewksbury with you on the first occasion? A. I am unable to state the names of the individuals, but according to my recollection the majority of the members of the council went.

Q. Now, Governor, while you were there at either of these visits, did you make a personal examination of the quarters — an inspection of the entire institution? A. I did.

Q. Now, will you go on in your own way and state precisely what you did? A. Well, I might state that all the information I have about Tewksbury is that which I obtained in my official intercourse. I don't remember that I was ever there before 1876, and I have never been there since. I think the first visit I made was in June, 1876, and I examined Tewksbury as I examined all the other institutions of the Commonwealth, as I visited them in turn. I think Tewksbury was the first one visited. Perhaps it is proper for me to say that I went first to

Tewksbury because certain rumors had come to me that matters there were in an unsatisfactory condition. I went to Tewksbury comparatively unannounced. I think a telegram was sent by my secretary on the afternoon of the day before I went (late in the afternoon) and I arrived there between eight and nine o'clock in the morning, according to my recollection; but for some reason or other the telegram was not delivered to Mr. Marsh, the superintendent, until about an hour before we arrived there. I do not know that I had ever seen Mr. Marsh before that day. I began the examination of the establishment in the cellar, and went all through that in its various departments. I then went through and examined the kitchen; I mean by that, all parts of it, and substantially everything that was used there—the boilers, places for keeping food, and the utensils generally, and the condition of the kitchen as to whether it was clean and orderly or not. So through the dining-room, examining every part of it and whatever was used there, including the cutlery, and the crockery, and glass ware, and even the cloths used in serving—I mean by that, in washing and wiping the dishes. I then went through the various other halls, the halls of the establishment where the inmates were collected, including the insane department, and the infant department; I examined them thoroughly. I then went to the dormitories, each and every one of them, and in each and every one of them I opened several beds in turn, taking off the outside covering, then the next, then the sheets, looked at the mattresses and pillows, examined the state of the bedsteads and what was under the beds. I examined quite thoroughly the closets and furniture, and I went through the attics, and, in short, through every department of the institution. I might say right here, perhaps, that I have had considerable experience in connection with public institutions of various kinds.

Q. Such as what? A. Before I became a member of the city council of Boston—back in 1853 or 1854—I was one of the board of overseers of the lunatic asylum at South Boston; and afterwards, during my two years in the mayoralty of this city, it became my duty to examine the public institutions of the city at all times. Since that time, or since 1867, I think, I have been president of the National Sailors' Home, at Quincy. And I examined Tewksbury in the same manner in which I have been accustomed to examine other institutions.

Q. Now, in going through the cellars of these various build-

ings, did you make special examination of the bathing apparatus? A. Well, not specially. I don't know that I could say I examined them with any more care than I examined other things.

Q. Do you recall whether you did or not? A. I do not recollect particularly.

Q. Do you recollect whether, when you made examination, you found individual bath-tubs? A. I do not recollect.

Q. Do you recollect any bathing apparatus which you there examined? A. Only generally, that there were facilities for bathing.

Q. Did you examine into the arrangements for cleansing and preserving the inmates' clothing which they had when they went to the institution, if you recollect? A. I cannot say that I did; but I have an indistinct impression about that.

Q. Now take the diet as you found it at that time, and the condition of the kitchen; how was it and what was it? A. The institution in general and in particular, as far as I examined it, was in excellent condition.

Q. Did you have conversation with any inmates for the purpose of ascertaining their treatment which they had received? A. Yes; not formal conversation, because there was no special occasion for that. I stood apart while the officers of the institution were going through with those that accompanied me, for the purpose of getting the expression on the faces of the inmates, as those officials passed by them and came into their presence. I have found by experience in other places, that the expression given by the countenances of the institutions very often interprets with considerable accuracy the treatment that they are accustomed to receive, or the estimation in which they hold the officers. And there was nothing in the appearance of the inmates, or in the expression of their faces, that indicated that they were not well treated, and that their relations were not those of harmony with the officers.

Q. Did you examine into the mode of discipline in the institution, as, for instance, the manner in which stubborn or refractory persons were dealt with? A. My impression is, that among the insane there were some that had jackets upon them, or who were fastened—one or two—to protect themselves, or possibly others, from violence.

Q. Do you think that you saw and inspected every room in the insane department? A. I think I did.

Q. Do you recollect any cases where persons were confined in rooms by themselves, because they had lost the sense of what was proper and decent in life? A. I do not remember any at the time of my visit; no, sir.

Q. Did you ascertain whether the insane had any means of employment or amusement? A. I do not remember that there was any employment beyond some service in the institution — you mean in trades?

Q. In trades; or any kind of amusement; anything to occupy their minds. A. I do not remember anything that was unusual in that respect. There is not very much that an insane person can do.

Q. Now, taking your experience in examining public institutions, I want to ask whether, in your judgment, the institution could have been put in the state of cleanliness in which you saw it within the time in which your announcement was made? A. No; that is impossible. I saw, it I think, in its ordinary condition. I intended that it should be so.

Q. Do you recollect whether Surgeon-General Dale went with you? A. I am not able to say, sir, as to *personnel*; I am rather of the impression that he did, but I am not sure.

Q. Now, if you saw in that institution anything which you considered that it was your duty, in your official relation, or as a citizen of Massachusetts, to criticise and call to the attention of the officers, I wish you would tell what it was. A. Well, I found on the occasion of my visit that a very large number of the members of Mr. Marsh's family were in the government of the institution; as I thought, too many. And my recollection is that I suggested to Mr. Marsh, after going through the institution, that there were too many members of his own family, in my opinion, in the government. I could not discover in the institution itself that there was any neglect of duty on the part of any of them; but I thought it was unwise, if not improper, that so many members of any one family should be connected with the government of a public institution. I expressed that opinion to Mr. Marsh, and my recollection further is, that Mr. Marsh, shortly after that, retired,— he or the board or some one, retired two members of his family.

Q. Do you recollect who they were? A. I have made no documentary reference since that visit, and it is now some five or six years ago. I think one of them was the physician, his

daughter ; and, if my memory is correct, the other was a matron.

Q. Was it the matron of the sewing room, do you recollect ; the wife of Thomas J. Marsh, Jr.?

Gov. BUTLER. He don't know. I may be wrong, but I don't think I am.

The WITNESS No ; I am speaking now from my recollection. I have conversed with nobody.

Q. Now, with that exception, was there any other thing which you felt it your duty to criticise? A. I do not remember that there was anything. I came away with the impression that the institution was in excellent condition.

Q. Now, did you ever compare the diet list of the hospital at Tewksbury with the diet list of the Massachusetts General Hospital? A. I never did.

Q. Or with the Boston City Hospital? A. No, sir.

Q. Do you know of any reason why the pauper sick at Tewksbury should not have all the articles of diet that would be served to a patient at the Massachusetts General Hospital or at the Boston City Hospital? A. I do not know why the diet should not be furnished that was prescribed by the physician there as in any other establishment.

Mr. BROWN. I don't think of any other question that I want to ask you.

Cross-examination by Gov. Butler.

Q. If I understand you, you say you went on account of some rumors that were afloat against the condition of this institution? A. I said that I visited that first for that reason.

Q. You visited that first. Was there anything more tangible than rumors that caused your visit there at all? A. Well, I should go there in the ordinary course of my official duties.

Q. You got there at nine o'clock in the morning — between eight and nine. What time did you come away? A. Some time in the afternoon, I think.

Q. Well, about what time in the afternoon? A. I should say two or three o'clock.

Q. Had dinner in the meantime, I suppose? A. We had a lunch ; yes, sir.

Q. At the institution. Did all the members — all those who went with you — make all the inspection that you did? A. I think they generally accompanied me.

Q. Did the officials accompany you — Mr. Marsh and Mr. Thomas Marsh? A. Yes, sir.

Q. When have you had your attention called to this matter since? A. Since?

Q. Yes; since your visit. A. Not specifically.

Q. Not particularly at all, I suppose? A. No, sir.

Q. Now, Doctor, did you examine into the question whether old Mrs. Marsh stole the clothing of the inmates? A. Excuse me, are you addressing me?

Gov. BUTLER. Yes, sir. Did you examine —

The WITNESS. You called me doctor. I am not accustomed to answer to that title. I thought you were addressing some other one.

Gov. BUTLER. No. I was asking you whether you examined into that. I was making a memorandum at the moment. I beg your pardon.

The WITNESS. No, sir; I did not. I never had heard any such rumor.

Q. Did you examine into the question whether Tom Marsh was a libertine? A. No; I never heard of such a thing.

Q. Did you examine into the question whether Nellie Marsh had killed quite a number of the people — insane inmates — hospital inmates? A. No; I did not.

Q. Didn't hear of that. Did you examine into the question whether the inmates had been shut up for a long time in cells? A. No; I did not.

Q. Did you examine into the question whether there was any deficiency in the accounts? A. No; that didn't come to me.

Q. Did you examine into the question whether any of the inmates had been got with child? A. No; I did not.

Q. Did you examine into the question whether any of the inmates had been unkindly treated by old Mrs. Marsh? A. There were no complaints made to me.

Q. Now, do you mean to say, Governor Rice — what time did you say that visit was? A. I think it was in June, as near as I can remember.

Q. June, 1876? A. 1876, I think.

Q. And you say no complaints of that sort had been made to you? A. By the inmates?

Q. Had there been by anybody else? A. No, sir.

Q. Pretty sure about that, are you, Governor Rice? A. Well, do you mean —

Q. About these very particulars I am inquiring about. A. No. I alluded to some rumors.

Q. Well, leave the rumors out. A. No.

Q. Now, Governor Rice, hadn't there been a direct report of the Board of State Charities, signed by its chairman, in which all these accusations were made, and in which you were asked to go and examine into them? A. Yes; there was a report from the Board of State Charities.

Q. Were not all these accusations I have asked you about contained in it, and you were asked to go and examine into them? A. Yes —

Q. Just answer my question. A. Yes; there was a report of the Board of State Charities.

Q. In which all these accusations I have asked you about were made, and you were asked to go and examine into them? And you have told us the only examination you did make. [Presenting a file of documents.] Is this a volume of executive documents for that year of your administration? A. It seems to be. The date is 1876.

GOV. BUTLER. Very well. Then if it is I will read a few pages from this book, addressed to His Excellency the Governor. [Reads.]

COMMONWEALTH OF MASSACHUSETTS.

OFFICE OF THE BOARD OF STATE CHARITIES,

STATE HOUSE, BOSTON, March 23, 1876.

To His Excellency the Governor.

SIR: At a meeting of the Board of State Charities, on Friday, the 10th inst., there was appointed a committee of the Board to bring to your official notice certain facts and allegations concerning the State Almshouse at Tewksbury. The votes of the Board were as follows: —

“*Voted*, That a committee, consisting of the Chairman, Dr. Allen and Mr. Donnelly, be instructed to prepare a draft of a communication with recommendations concerning the State Almshouse, addressed to the Governor, and submit the same at the next meeting of the Board, and that the report of the Executive Committee, prepared by the Chairman, be submitted to that committee;

“*Voted*, That the Board ask His Excellency the Governor carefully to consider whether the administration of the State Almshouse ought not to be changed;

“*Voted*, That in communicating the above vote to the Governor, he be informed that the Board are preparing a statement covering the whole subject, which they will hereafter present to His Excellency.”

In accordance with these votes, the statements and recommendations which follow have been prepared and submitted to the Board

of State Charities, and the Board has approved them. These we now present to your Excellency in the name of the Board, asking that you will give them your early and careful consideration. The matters herein detailed are believed by the Board to be very important, and such as require prompt action by the Executive in order to remedy grave evils, and to prevent the recurrence of proved and serious abuses in the State Almshouse at Tewksbury. This establishment, first opened in 1854, for the reception of the unsettled and vagrant poor of the northeastern counties of Massachusetts, has since become, in process of time, and by reason of changes in our statutes and in their execution, a great infirmary, where the chronic insane, to the number of about three hundred, the sick State poor to the number of more than one hundred, and the foundling infants from all parts of the Commonwealth are now collected. Such an aggregation of these helpless wards of the State gives a great opportunity for neglect and abuse, and demands the most unceasing vigilance on the part of all the official persons, who are in any degree responsible for their care and treatment. Feeling this responsibility, though unable under the existing statutes to take all the steps necessary to insure the proper treatment of these poor persons, the Board of Charities has, from time to time, interposed, to remedy evils and put a stop to abuses. And now, in the name of these sick and insane persons, we ask your Excellency to interpose.

In the course of these inquiries, and on previous occasions, in the performance of its official duty, this board has encountered a whole class of neglects and abuses, some slight and some very serious, which it is powerless to remedy. This board has no power of removal, or even of suspension from their functions of those holding office at the almshouse; and the board has gradually come to the conclusion that removal from office is the only permanent and sure remedy for the evils to which your Excellency's attention is now directed. Having gone to the limit of its own power in the matter, the board now appeals to you, who have authority to remove and appoint, and directs your attention to the apparent necessity for exercising that authority at the present time.

The late chairman of the board, Dr. S. G. Howe —

Gov. BUTLER. Who was famous in connection with the deaf-mute school over here in South Boston, I believe?

The WITNESS. Yes, sir.

Gov. BUTLER. [Reading.]

—The late chairman of the board, Dr. S. G. Howe, was, perhaps, more keenly alive to the sanitary and moral defects at Tewksbury than any of his colleagues; his own acquaintance with the inside working of a public establishment being very intimate and suggestive. During the last year, and in one of the last months that he

served on the board, Dr. Howe made a motion for an investigation by the board into the condition of things at the state almshouse. As entered on the records of the board, Dr. Howe's motion, with the introduction by the secretary, Mr. Andrews, is as follows (under date of April 7, 1875):

"On statements made by the secretary (in his monthly report), there came up a long discussion relative to the condition and management of the state almshouse, whereupon Dr. Howe offered the following vote as expressing generally the views of the situation held by the members of the board, which he asked might lie over to the next regular meeting: "

The WITNESS. What is the date of that?

Gov. BUTLER. March 23, 1876.

The WITNESS. The document you are just now reading?

Gov. BUTLER. Yes; I am still going on. This is the rumor which sent you to Tewksbury. [Reading.]

"That this Board make an investigation into the condition and management of the State Almshouse in Tewksbury, in regard to the following matters:—

"1. The economy and efficiency with which the whole establishment is conducted, and its existing rules and regulations.

"2. The sanitary condition and management of the asylum for the insane and of the hospitals for the sick.

"3. The harmony or want of harmony and subordination among the officers and employees, particularly in the medical department, including the physical condition of the inmates.

"4. The financial management of the almshouse during the present and previous years, the character and defects of its buildings, and its requirements for the future in these respects."

The state of Dr. Howe's health in the spring of 1875 no doubt prevented him from urging the passage of his motion, and early in June he resigned his position as a member of the board. Although no formal investigation has been entered upon by the board since Dr. Howe's resignation, yet the substance of what he sought to learn has been ascertained by members of the board, as the following pages in part will show.

A STATEMENT OF FACTS AND ALLEGATIONS CONCERNING THE MANAGEMENT OF THE STATE ALMSHOUSE AT TEWKSBURY.

For many years the board of state charities has been dissatisfied with the sanitary condition and the medical management of the state almshouse, and has sought, in various ways, to improve them. During an official visit made by the board on the 22d of September, 1873 [the late Dr. Howe, Dr. Allen, Mr. Edward Earle, and Mr. F. B. Sanborn being the members present], the sanitary condition was found to be worse than usual, and was censured by the Board, unanimously, in the following vote:

"Voted, that in the opinion of this Board, the ventilation of the hospital for the sick, and of the lunatic asylum at the Tewksbury State Almshouse, is so defective as to be positively insalubrious, and ought to be immediately improved;

that the privies and water closets are offensive and in bad condition, and the dormitories infested with vermin to a degree requiring instant attention; and that there is need of additional supervision and nursing in these departments.

"*Voted*, that the above vote be communicated to the superintendent, Mr. Marsh, at once, and that the chairman communicate it to the governor, with such comments as he may deem expedient."

In compliance with this vote (which was at once communicated to the superintendent), Dr. Howe, then chairman of the board, wrote a letter to Governor Washburn, of which the following is a copy:—

LETTER TO THE GOVERNOR FROM THE CHAIRMAN OF THE BOARD OF STATE CHARITIES.

S. BOSTON, Sept. 24th, 1873.

His Excellency Wm. B. Washburn.

SIR:—In obedience to a vote of the board of state charities, I transmit to your Excellency a vote passed at their meeting, September 22.

I am impelled by duty to the unfortunate, to ask your personal attention to the matter referred to by the board. Nothing short of the evidence of your senses can give you a correct idea of the foul and pestiferous atmosphere in which Massachusetts confines her insane wards.

A private individual of intelligence and wealth, who should so confine a dependant insane relative, might be indicted for cruel abuse; and, if the State were indictable by a grand jury, she should be indicted for so confining over three hundred wards.

I beg that when you next visit the establishment, it should be without previous notice; that it should be on some day in the middle of the week, and as early in the morning as possible.

Indeed, we cannot have sensible evidence of the mephitic condition of the atmosphere of the principal halls, without visiting the dormitories between midnight and the hour for opening the windows.

But at whatever hour you go, fail not to enter the closets in the department for the insane, and remain as many seconds, or minutes, as you can without nausea and suffocation.

If you come out with any power of thought left, and consider that the condensed mephitic stench there constantly generated, has no sufficient egress, but is continually and slowly permeating the atmosphere which the unfortunate lunatics have to breathe, you will then understand *one* cause of the fearful and undue mortality among them. I say undue, for the usual explanation of the high death rate, viz., by the supposition that these unfortunates are only the sweepings of the lunatic hospitals,—the feeblest of all,—is not satisfactory. It is an assumption which will not bear the test of examination by statistics.

Now, this nauseous and unwholesome condition of the atmosphere is disgraceful to the State, because it is unnecessary. These apartments can be made as sweet as those at the State House, but not by any means now at command.

The fault is not in the administration of the establishment, but in the lack of structural means. I say structural, because no empirical contrivances, no chimney-pots nor ventilation holes, nor any temporary devices of any kind, will cure the evil.

There must be *forced ventilation*, either by fans driven continually by steam, or by tall chimneys in which fire is constantly burning.

The *hospital* can be easily and thoroughly ventilated, by carrying up the chimney of the boiler house,—which is about eighty feet high,—still higher, so as to

create a powerful upward draught, and then by connecting the wards with it by proper tubes.

The building for lunatics should be provided with a tall chimney, kept constantly heated by fire or by gas, and with flues leading into it from every ward.

This is a matter which any competent architect can manage, provided he is not restricted about the height of the chimney by consideration of cost. The chimney must be tall enough to create a draught that will suck straight upward the hairs on the head of a man who approaches the mouth.

Respectfully,
SAMUEL G. HOWE,
Chairman Board of State Charities.

(Signed)

In consequence of this appeal from Dr. Howe, Governor Washburn and Lieutenant Governor Talbot did visit the State almshouse a few weeks after the date of this letter. They found some things better and some worse than when the board visited Tewksbury; they recommended some changes of structure, rearrangement of closets, etc., which removed a part of the evils complained of, but by no means all. It soon appeared that there were faults of administration, not seen at first by Dr. Howe, and that these were more serious than the Board of Charities had suspected.

During the summer of 1874, while Dr. Howe was still chairman of the board, Dr. J. D. Nichols, who had been physician at the State almshouse since May, 1868, made the following statements in writing to a member of the Board:—

Statement of Dr. J. D. Nichols.

“Mrs. Marsh is in the habit of appropriating the effects of those who die or abscond from the almshouse, to the use of herself and family. This can be proved by the testimony of those who have from time to time occupied the position of Matron of the Baggage Room. Among them I will name Nancy Foster, who is now in Meriden, Ct.; Anna Roberts, Lowell, Mass., and Mrs. Aaron Noyes, Tewksbury.

“In the summer of 1868, a young, feeble-minded woman came to the almshouse with child. Her bodily health was good. She received such personal abuse from the matron in the bathing-room, that she came out flowing badly and was sent to the hospital, where by prompt medical attendance her hemorrhage was arrested, and after a few weeks was discharged from the hospital perfectly well. The first time she went to the bathing-room after her discharge, she was again abused by the same matron, and had again to be sent to the hospital, where she miscarried and died. There is no doubt in the mind of the physician that her death was caused by the abuse she had received from the matron in the bathing-room. The physician promptly reported the outrage to the superintendent, but the matron was not removed. Other instances of subsequent ill-treatment of inmates might be mentioned, but the matron remained some two years, and resigned.

“Thomas J. Marsh, Jr., assistant superintendent, is a notorious libertine. His wife has a salary as matron of the sewing-room, but her position is nearly a sinecure. She is absent from the institution a great deal of her time, and when there, spends little time in the sewing-room.

“The libertinism of Thomas J. Marsh, Jr., can be proved by Mary Tinan and Catherine Donahoe,—both now in Boston,—and Margaret Hogan, now an inmate at Tewksbury.

"In the fall of 1868 a new clerk was employed at Tewksbury, and on examining the books, a deficiency of fifteen hundred dollars was discovered. That clerk was Henry J. Moulton, by whom the fact can be proved."

The charges of Dr. Nichols were read to the Board of Charities and entered on its records. They were also brought to the notice of the Board of Inspectors of the Almshouse by Mr. Sanborn, the present chairman of the Board of Charities, who communicated orally with Mr. Elliot, an inspector, on the subject, in the summer of 1874. The inspectors considered the matter, according to Mr. Elliot, and, in consequence of these and other charges, declined, as Mr. Elliot said, to increase the salary of the assistant superintendent. Whether they took any other action we are not informed.

The charges preferred by Dr. Nichols related generally to matters in regard to which the evil had been done some years before, and could not now be remedied. There have been other scandals arising from time to time, however, the proof of which seemed to be complete, and which pointed to a very lax discipline and a mournful want of sanitary knowledge among the officers at Tewksbury. During the year 1874, it is alleged and not denied that one of the male inmates of the Almshouse, having previously made an assignation with one of the female convalescing patients in the hospital, did one evening obtain access to the female hospital, and was on the point of getting into the bed of this patient when he was discovered and ejected.

In September, or October, 1874, the imprisonment of the insane women by order of the physician to the insane, Dr. Whittaker, began to take place. In regard to these cases the executive committee made a report at the time which is herewith submitted:—

"BOSTON, January 6th, 1875.

"The executive committee to whom was referred the matter of alleged ill-treatment of insane patients at Tewksbury, would report as follows:—

"That on the 3d of December the General Agent visited Tewksbury at the request of the committee, and found two women,—Alice Ferrin and Catherine Walsh,—in confinement for refusing to work; both being unmistakably insane patients. He requested the Superintendent to discharge them, and both Mr. Marsh and Dr. Whittaker promised that they should be discharged that night. They were discharged either that night or the next day, and the facts thus far were reported verbally to the Board at the special meeting on the 14th of December. On the 18th of December the Chairman visited Tewksbury and learned from Dr. Whittaker, physician of the insane, the following facts concerning these and other cases:—

"I. No such imprisonment of insane patients for refusing to work seems to have taken place before the appointment of Dr. Whittaker, who said that he was responsible for it. He did not profess to regard it as punishment, and Mr. Marsh said he had not considered these imprisonments as "cases of discipline," which, according to the By-laws of the Almshouse, he is required to keep a record of. No record has been kept by any one, and it was not easy to get the precise names and dates.

"II. So far as could be learned, the following persons were the only ones who had been so imprisoned, seven in all:—1, Julia Cohane; 2, Alice Ferrin; 3, Catherine Walsh; 4, ——— Hoffney; 5, Catherine Sullivan; 6, Catherine Cunningham; 7, Thomas Keneen. All these persons, except Catherine Cunningham, were considered by Dr. Whittaker as insane. Julia Cohane was admitted to the asylum from Salem, Nov. 13, 1873; Alice Ferrin—45 years old—has been insane for a dozen years, at least. She has been twice in the Worcester Hospital, but was transferred to Tewksbury from Northampton, July 16, 1874. Catherine Walsh was transferred from Taunton September 4, 1872. Catherine Sullivan was lately transferred from one of the hospitals. Catherine Cunningham was admitted as a patient at Worcester, from Lowell, in 1870; transferred to Tewksbury, Sept. 1, 1871; and sentenced to Bridgewater, as a sane person, November 24, 1874.

"Alice Ferrin and Catherine Walsh were imprisoned for the same length of time (between eight and nine weeks), the former in a large cell in the asylum building, the latter in one of the small cells on the men's side of the main building. Catherine Sullivan, Catherine Cunningham and Julia Cohane, were all imprisoned in cells on the men's side, and all, according to Dr. Whittaker, for two or three weeks each. The two men were imprisoned for about a week each,—Hoffney for striking patients, and Keneen for assaulting Dr. Whittaker.

"Upon visiting the cells on the men's side, where a majority of these women were imprisoned, it appeared that there was no access to the corridor upon which they open except by passing through a room constantly occupied by the male inmates; and that Joseph Howard, a middle-aged inmate, acted as turnkey, and carried to the prisoners in the cells whatever they wanted. No woman had access to them; they had no furniture in the cell except a bucket, and at night a bed. Their food was bread and water. In regard to Catherine Cunningham, who was reported by Dr. Whittaker as not insane, it appeared by the asylum register that she was received from Worcester as an incurable insane person, and no record of her recovery was made. The physician at Bridgewater, where she now is, regards her as insane, and so does Mrs. Leonard, the matron. She is now at work there, and it has not been necessary to employ force or confinement to keep her at work.

"It did not appear that Dr. Whittaker had any purpose in these imprisonments except to secure the proper amount of labor from each of the women imprisoned. On the other hand, both he and Mr. Marsh seem to have forgotten and neglected wholly the record of "cases of discipline," required by the By-Laws of the Almshouse; no dates of confinement and release even, being kept. Nor was Dr. Whittaker apparently sensible that there was any impropriety in what had been done in this matter, or that the interests of his patients or the laws of the State required any different treatment. It is promised that no such action shall be taken hereafter.

Respectfully submitted by

(Signed)

(Signed)

(Signed)

F. B. SANBORN,

S. C. WRIGHTINGTON,

SIDNEY ANDREWS,

Executive Committee."

Q. Was Mr. Andrews your private secretary? A. No, sir.

Q. Of the governor before or after you? A. I think of the governor second before me; Mr. Washburn. Will your

Excellency please say to whom that communication which you have just read was addressed?

Gov. BUTLER. To His Excellency the Governor, who was governor of Massachusetts in March, 1876.

The WITNESS. Well, I beg your pardon —

The CHAIRMAN. I understood it to be —

Gov. BUTLER. This is part of a communication addressed to Gov. Rice; which had been previously addressed to Gov. Washburn without effect. [Applause.]

The WITNESS. Precisely.

The CHAIRMAN. Doorkeeper, watch for applause, and put out of the room any man or woman whom you find applauding.

Gov. BUTLER. Now, then, to that is added a defence of Tewksbury by the officers.

Q. Now, those were the matters which you had called to your attention by the board of state charities: and you have told us how long you were employed in investigating them, even to seeing how they washed and wiped the cups and saucers and tumblers; that was so, was it not? A. Yes, sir.

Gov. BUTLER. I don't think I shall have to trouble you any further, Governor.— Oh, yes, I shall.

Q. Now, after this communication was made to you, did you appoint Mr. F. B. Sanborn as chairman of the board of state charities, or a member of it? A. I think I did not.

Q. Quite sure about that? A. I speak from recollection only, sir.

Q. Now, pardon me. Let us see if I cannot aid you there. Didn't you appoint him, and didn't he refuse to take it? Let us see. [Turning to the file of executive documents.] A. If you can refresh my memory.

Gov. BUTLER. Let us see if I cannot refresh your memory. [Reads.]

CONCORD, Oct. 2, 1876.

Hon. A. H. RICE, *Governor of Massachusetts.*

SIR, — Understanding that several of my friends, and others whom I hardly recognize as such, have been recommending your Excellency to reappoint me a member of the State Board of Charities, it seems proper that I should frankly state my own position, in order that no person (and most of all your Excellency) may fail to understand it. I have no personal expectation or desire to be reappointed; yet in deference to the wish of my colleagues, with some of whom I have labored for thirteen years to reform the public charities of Massachusetts, I have not felt free wholly to decline further service. But one

thing I must say, and I know you will pardon me if I say it too bluntly. Much as I might value an appointment from your Excellency (such as I first received from our lamented friend, Governor Andrew, and afterwards from Governors Bullock and Claflin), I could not accept it if Messrs. Francis H. Nourse and George P. Elliot should continue to hold office as inspectors of the State almshouse at Tewksbury. These persons, by their own admission, have been guilty of long-continued neglect of duty and transgression of the by-laws of their almshouse, in consequence of which, as I believe, several helpless woman, doubly unfortunate by reason of poverty and insanity, have suffered illegal imprisonment or death. The general facts concerning this painful matter were communicated to you by the Board of Charities, of which I was then chairman.

I could not now consent to accept a new appointment, which would require me to maintain official relations with persons who, to my own knowledge, have ignored and violated a public charitable trust which I consider sacred. If they are worthy to hold the State's commission, I am not; and I am quite ready to leave the decision of that question with your Excellency.

With much respect.

F. B. SANBORN.

Q. Now, does that refresh your mind, Governor? A. I don't remember that I reappointed him.

Gov. BUTLER. Let me try another letter, then. [Reads.]

Boston, Oct. 26, 1876.

Hon. A. H. RICE, *Governor of Massachusetts.*

DEAR SIR, — I said to you on Saturday last that I could give you the names of the two women who have given birth to illegitimate children (*begotten in the State almshouse*) during the present year.

And then he goes on to give them.

Q. Now, then, didn't he say, in so many words, that these two men were Elliot and Nourse, inspectors of the Tewksbury almshouse, and that if they remained inspectors he would not serve? A. I do not remember distinctly; but whatever the record says, sir, I should abide by.

Gov. BUTLER. I believe that is all.

Mr. BROWN. Will you let me see that volume?

Gov. BUTLER. Yes, sir. That is not the only volume, I want to tell you.

Mr. BROWN. Oh, no; I have seen six or seven more, and looked through them.

Re-direct examination by Mr. Brown.

Q. This letter, of thirty-six pages, as I see here, was signed by F. B. Sanborn, chairman, and S. C. Wrightington, acting secretary of the board of state charities, was it not, Governor?

A. Yes, sir.

Gov. BUTLER. Yes.

Q. And all the other communications read by His Excellency were copies embodied in this one letter addressed to you, were they not? A. I think so; of an earlier date.

Q. Now, do you recollect whether you called the attention of the legislature or of any committee of the legislature to this matter during the session of 1876? A. In my annual message.

Q. (By Gov. BUTLER.) In your annual message? A. In my annual message.

The CHAIRMAN. [Offering the Blue Book for 1876.] Here it is, Governor.

Q. (By Mr. BROWN.) Now, sir, didn't the committee on public charitable institutions of that year, consisting of George W. Reed, Gardner A. Churchill, Michael Carney, D. D. Bailey, Francis D. Stedman, George Haven —

Gov. BUTLER. I beg your pardon; you cannot put that in in that way.

Q. Do you recollect whether they were members of that committee?

Gov. BUTLER. Stop a minute. That cannot be proved in that way.

The CHAIRMAN. The journal or the manual will show who the committee were.

Gov. BUTLER. It is not a question who they were; it is a question of proving.

Mr. BROWN. The document is proved already. The object of my question is —

Gov. BUTLER. Then if it is, why put the question?

Mr. BROWN. Don't get anxious about it.

Gov. BUTLER. No; I am not anxious.

Mr. BROWN. I want to refresh this witness's memory, and I call the committee by name.

The WITNESS. I have heard what that committee did.

Gov. BUTLER. To that I have the honor to object, for he has

not yet testified to anything that committee did, and till then his recollection is not to be refreshed.

The CHAIRMAN. I suppose the journal of the House or Senate will show who the committee were.

Gov. BUTLER. Whenever it comes time. But I have examined legitimately upon what he did.

Mr. BROWN. Do I understand the committee to say that it is necessary for me to prove the contents of a public document?

The CHAIRMAN. If His Excellency calls for formal proof, I suppose you would have to put it in. I suppose he would have that privilege.

Gov. BUTLER. When it is proper you may put it in, and I should offer no objection.

Mr. BROWN. Then I now offer House Document 326 of the year 1876, to which I desire to call the attention of the witness.

Gov. BUTLER. And I object; at this time. There is a witness on the stand; and it is not time to put in another and an entirely different line of proof, with a witness on the stand. And it is not for the purpose of cross-examining him upon it, because he hadn't anything to do with it; that is, he had not; he ought not, and I believe he didn't have.

Mr. BROWN. That shows you are —

Gov. BUTLER. When we get through with Mr. Rice, any further testimony Mr. Brown has to offer we must consider.

Mr. BROWN. It is always customary in the midst of an examination of a witness, if you desire to call the witness's attention to a deed or a paper of any kind, to offer it in evidence. I never before heard it suggested in any court, or before any committee, that it was not proper to offer a document, which could be offered in evidence at all, while a witness was upon the stand, especially when the document is one which it is necessary should be first offered in evidence before the witness has his attention called to it. His Excellency has just read a letter of thirty-six pages, which he offered in evidence in the midst of the cross-examination of the witness.

Gov. BUTLER. What a statement!

Mr. BROWN. An entirely different subject than any to which I was calling his attention.

Gov. BUTLER. What a statement!

Mr. BROWN. Here is an official communication of thirty-six pages to which His Excellency has called the attention of this

witness. And now he objects to my calling the attention of the witness to what was done by the legislature of that year, after the complaint of March 23 had been submitted to them, because this document shows that on the sixth of April —

Gov. BUTLER. Wait a moment. Now, don't put in the document; prove it.

Mr. BROWN. Don't trouble yourself about the document. This document shows that on the sixth of April the legislative committee did act upon this letter. The matter contained in it was brought before it, and we have got the verdict of that committee.

The CHAIRMAN. That is what you offer?

Mr. BROWN. That is what I offer. This matter has been stated, Mr. Chairman, and has been read for the purpose of its going to the country, and His Excellency don't intend that the people of Massachusetts, who were represented in the legislature of that year, and who answered that document, — he does not intend that the answer shall go to the country. I intend that it shall go to the country, and I am going to have it go there, if I can. The charges contained here are put in the form of specifications in this House Document 326; the evidence was offered before the committee, the whole matter was considered, and there is the verdict of that committee, which was subsequently acted upon by the legislature.

The CHAIRMAN. One at a time, Governor. We are afraid when you both stand up together.

Gov. BUTLER. I am not going to say a word. Don't be frightened.

Mr. BROWN. You will get tired if you stand up until I get through. That committee reported a bill; the bill was acted upon by the legislature, and, I think, became a law. [Referring to the Blue Book.] It became a law. Now, whatever was said about this matter —

Gov. BUTLER. Now, is this any argument on the question whether a certain document shall be admitted as evidence?

The CHAIRMAN. We will take notice of the law. The question is whether that document shall be admitted?

Mr. BROWN. That is precisely what I am trying to talk about. If His Excellency would only sit down, I would get along a great deal faster.

Gov. BUTLER. I now want to introduce an objection, which I learned yesterday from the chairman, if I didn't know it be-

fore, and that was, that he interrupted by saying, hadn't you better argue the question of evidence after he gets through, after the evidence gets all in.

The CHAIRMAN. I think that is a good point. The question is whether that document shall now be admitted.

Mr. BROWN. To that and nothing else am I talking. If His Excellency will sit down I will say —

Gov. BUTLER. I see that he is not talking to that, and I want to raise an objection.

The CHAIRMAN. Confine yourself, Mr. Brown, to the question.

Gov. BUTLER. He is telling about what the law is.

Mr. BROWN. As I understand it, the committee don't take notice of a House document.

The CHAIRMAN. That I don't know about. You don't offer it on that ground; you offer it as evidence.

Mr. BROWN. It would not be necessary for me to offer it if the committee took notice of it; but it is upon the theory that they don't take judicial notice of it that I offer it; and I say it is competent because —

Gov. BUTLER. I don't object to its competency in the proper place; but now I insist it is not competent.

Mr. BROWN. Very well; then it is simply as to the order of proof, which is always within the discretion of any court which is charged with the duty of conducting a hearing.

The CHAIRMAN. Let us hear the governor, Mr. Brown, on his objection.

Gov. BUTLER. This is it: You have been told that I have read this letter to Gov. Rice, and that that is the same as it would be to put in that document. I owe an apology to the committee, and I owe an apology to Mr. Brown in this: that I have sometimes thought he sometimes got statements so wrong that he meant to get them wrong. This last speech of his has convinced me that he don't; that his mind is so constituted that he cannot see a distinction, and he is not to blame for not taking it. The distinction is this: He put the question and asked Gov. Rice—I didn't put the question—what sent him to Tewksbury. The governor said he went on account of some rumors. Very well. I thought he went for a different reason, and thereupon I produced a complaint made to the chief executive magistrate—a letter reciting complaints made to the chief executive magistrate, the most terrible accusations that could

be made by one set of men to another, and his answers show how completely the governor failed to look after that which he went after: for he said he did look after the cloths used in serving, and there is not a word said about dish-cloths nor anything of that sort in this complaint. But there were very heinous charges affecting everybody connected with the institution. He didn't tell us that he even looked into the question of ventilation. He didn't tell us that they were clean. And I put in that letter to show how different the investigation was from what he was asked to investigate, and to draw a proper inference. Now, then, Mr. Brown insists that he can put in a document—that the governor never saw, so far as it appears—which does not have any relation to his testimony, which was the act of others made years after, or years before, as the case may be, and with which he had nothing to do. Now, I insist that that is not a proper way to conduct a case. I know the stress that they feel under to try to get in some answer to this to be put right alongside of it. All of us are not young partridges which stick their heads under a leaf and think their whole bodies are out of sight. And, therefore, there was a long statement of what it might be. It is not proper to put that in now. It is not a case, Mr. Chairman, where you want to put in a deed to examine the witness upon it. That is common in your practice and mine, and on that rule I acted when I put in this. But he is putting in something that this witness had nothing to do with—nothing whatever. Now, can that be done now? Can we stop and have that whole volume put in now before the examination of this witness is finished?

The CHAIRMAN. Let me ask you a question, Governor. You read to the governor certain charges contained in that letter?

Gov. BUTLER. Yes, sir.

The CHAIRMAN. Now, is it not competent to ask whether those charges were not investigated by the legislature?

Gov. BUTLER. Entirely competent; but not to ask of the governor, because it don't affect his testimony. It is not re-examination.

The CHAIRMAN. And if this investigation was before he went up there—

Gov. BUTLER. Suppose it was before or after.

The CHAIRMAN. By a committee of the legislature, and that they found the charges were not to be sustained—

Gov. BUTLER. Assuming that they did so, sir—

The CHAIRMAN. Isn't it competent to ask him?

Gov. BUTLER. What?

The CHAIRMAN. Whether they were investigated?

Gov. BUTLER. Would that alter his duties, because somebody had done theirs or not? Because the legislature had whitewashed this concern, did it excuse him in going up there and only looking at the dish-cloths and crockery to see how they were cleaned, or at the floors to see how they were washed? Does anybody mean to say that that would be an excuse for him? They produced this witness for what? To show that he went to Tewksbury, and it was all right, — excellent is the word. And I show that he was sent there, — because a public servant is sent when a grave public body like the board of state charities say: we have grave complaints which we endorse and which we know from our own investigation affect even the character of the men composing the management of that institution. And that board of state charities was abolished soon after, — of course it would be, — that board of state charities went, but the Marshes stayed, like Tennyson's brook, —

“ For men may come and men may go,
But I go on forever.”

The CHAIRMAN. Like this investigation.

Gov. BUTLER. Pardon me; there was an earthquake struck that brook and turned it the other way.

The CHAIRMAN. I hope an earthquake will strike this.

Gov. BUTLER. Tennyson didn't provide for that; but this went on. The question is, shall we have any order of debate or of investigation at all. I have tried to keep myself within the rule as I understood it would be enforced anywhere; and with any laxity of the rule I have not been so very particular. But I do insist that until this witness is off the stand a document with which he had nothing to do shall not be put in. Afterwards you may show what you can show, or what you will show. I think it will be found, if you will allow me to refer to the document a moment, that this complaint was made before any verdict was made by the committee or anybody else. But because one branch of the government does not do its duty is that any excuse for the other? Because one branch of this government won't do its duty, is it the right of any other person to appeal to them? Must not that person or that branch investigate? It was said there were rumors. Gov. Rice cannot say

that he went up there and investigated over again, or that he didn't go there because of a verdict of a committee as it is now called — not a unanimous one; it is the old eight-to-seven verdict.

THE CHAIRMAN. My trouble with the verdict, Governor, is that the majority of the committee didn't find anything. That is my trouble.

GOV. BUTLER. I leave out mere rumors; I don't know anything about them.

THE CHAIRMAN. That is the trouble with the verdict, that the majority didn't come to any conclusion.

GOV. BUTLER. And that is what is called a verdict here, you know. Mr. Brown is not to blame; he cannot see the distinction. I agree he does as well as he can.

MR. BROWN. I am under great obligations to you.

GOV. BUTLER. But are we to go into that now? That is the only question I want settled now.

MR. BROWN. Mr. Chairman, —

GOV. BUTLER. How is the order of debate now?

THE CHAIRMAN. The burden is on him, Governor. You have replied and he has the close.

MR. BROWN. I want to say a single word in answer to the Governor. I called this a verdict. I thought I had the right to call it a verdict, because I find on pages four and five of this House document 326 the committee came to a direct conclusion. They say as to certain things that they are proven, and as to certain other things that they are not proven, and they put the responsibility where it belongs. As to certain other things they say they are not proven; and so every charge of the numerous charges to which I had occasion to call the attention of the committee on the first evening when we commenced last March, every one of those charges is answered and the conclusion of the committee is expressed. Whether it is entirely satisfactory, of course is a matter with which I cannot here deal; but there is one thing certain, that the conclusions of this committee were accepted by the legislature of that year, and legislation followed.

THE CHAIRMAN. They all agreed, as I understand it, in reporting a bill.

MR. BROWN. They all agreed in reporting a bill.

THE CHAIRMAN. They all concurred in reporting a bill, but they didn't all agree upon findings of fact.

Mr. BROWN. They didn't all agree upon findings of fact.

Gov. BUTLER. Nor were any considerable portion of the charges made to Gov. Rice in the charges put before that committee.

The CHAIRMAN. Very many of them were, Governor.

Gov. BUTLER. And very many of them were not.

The CHAIRMAN. Yes, sir.

Gov. BUTLER. That is all I said. I know what is there.

Mr. BROWN. This communication was written by Mr. F. B. Sanborn; by Mr. F. B. Sanborn, His Excellency says, some years, more or less, before the vote; and I want to apologize to the committee and say to the committee that sometimes I have thought His Excellency did intend to make a little exaggeration, perhaps, of some facts, but I have come to the conclusion that His Excellency is not at all to blame. — he don't know the difference between two weeks and two years. It was within two weeks; this committee acted upon it within two weeks from the date of that letter; this committee took this thing in hand on the sixth of April, — this letter is dated on the 23d of March, — the sixth of April of the same year.

Gov. BUTLER. Oh, no; they took it in hand many weeks before that, sir.

Mr. BROWN. "House of Representatives, April 6, 1876."

Gov. BUTLER. Yes.

The CHAIRMAN. The date of the report.

Mr. BROWN. Was the date of the report.

Gov. BUTLER. Yes; and they took the investigation in hand before.

Mr. BROWN. From the time when they acted upon these charges, that is what I am coming at; not when these charges were poured out into their ears, — I don't say anything about that; but that is the date when they acted, and the same man who wrote the letter was the man who conducted the investigation before the committee. Now, my point is this: it is important, it is perfectly fair, it is a proper thing to do, that the answer to this charge which is put in here, should accompany the charge itself. His Excellency has yielded everything in this matter except the matter of the order of proof; but, still, I might spend some time in answering the numerous suggestions which he has made. They are all entirely immaterial. Of course, I didn't desire to interrupt His Excellency in making his little speech to the committee, but they are entirely immaterial.

The only question, under the admission of His Excellency, the only question for this committee to decide, is the matter of the order of proof; nothing else. His Excellency says it is proper to put that document in sometime, but not now. I say that it is always in the power of the committee to say when they will receive a particular document in evidence, if it is competent that it should be offered at all, and that is not in question, because His Excellency admits that it is competent.

The CHAIRMAN. Let the committee vote on it. The question is on the admission of House Document 326 of 1876.

Gov. BUTLER. At this time.

Mr. MURPHY. It strikes me, Mr. Chairman, that it had better come in later on.

The CHAIRMAN. I am in some doubt whether it is not in already; it was read from the first night of the investigation.

Mr. MURPHY. Supposing we consider that it is in already.

Gov. BUTLER. That would be a good reason for not putting it in now.

Mr. MURPHY. Exactly.

The CHAIRMAN. It seems to me a question whether it is not in already; but we had better settle whether it is or not.

[The committee voted 7 to 1 to admit the document.]

The CHAIRMAN. It is a vote; the document is in now, sure.

Q. Now, Governor, as you understand, these same charges of Mr. Sanborn were submitted to the committee in that same year?

Gov. BUTLER. I object. The document being in, what was submitted appears by the document, not what the governor understands.

The CHAIRMAN. I think so.

Mr. BROWN. I won't press the question, if you object to it.

Q. Was your attention called to the report of this committee in 1876? A. I don't know that it was in any special manner. You will observe that the matter was already under investigation, I think, or the investigation was immediately commenced, after the date when that communication was sent to me. I went to Tewksbury to examine the condition of the place.

Q. Now, before you went to Tewksbury in June, had your attention been called to the facts that the committee reported as

proven and those which they reported as not proven? A. They hadn't reported.

Gov. BUTLER. I didn't hear what that question was.

Mr. BROWN. This report I offer as made by this committee on the sixth day of April, 1876. I asked the governor whether at the time when he went to visit this institution in June, 1876, the facts which the committee reported as proven and those which they reported as not proven had been called to his attention.

Gov. BUTLER. He says in answer to that question, not particularly, as he knew.

Mr. BROWN. That was in answer to another question I asked him.

Gov. BUTLER. I understand, but he said the report hadn't been particularly called to his attention. I accept that to be the truth; if you don't, I sha'n't allow you to cross-examine your own witness.

Mr. BROWN. You will have a very interesting time in stopping it, I fancy. Now, Mr. Chairman, I want to read the report of this committee.

Gov. BUTLER. I object.

Mr. BROWN. I think the report is in evidence, and I think it should be read.

The CHAIRMAN. Do you ask that for the sake of having it go on the record?

Mr. BROWN. I ask it for the sake of having it on the record, with the charge which is made in this letter.

The CHAIRMAN. I suppose if it is in it will go upon the record, and you might save time.

Gov. BUTLER. I object to its going in now. I am up to that trick, thoroughly.

Mr. BROWN. Yes; I saw you were when you put that letter in; I think you have been up to it ever since in trying to keep this out.

The CHAIRMAN. What part of it do you wish to read?

Mr. BROWN. I want to read the conclusions of the committee, found upon pages 4, 5, 6, 7, 8 and 9, and also the additional report signed by Churchill and Bailey upon page 10, and the minority report upon pages 11, 12, 13, 14, 15, 16, 17, 18 and 19. I will put in the findings of the majority of the committee upon pages 4 and 5.

Gov. BUTLER. The whole of it is in.

Mr. BROWN. That is, I will read that and stop.

Gov. BUTLER. I object to stopping this investigation to read it now, while this witness is on the stand; and I am glad that the true motive has been stated.

The **CHAIRMAN.** I don't quite see the distinction between stopping for him to read and stopping the witness for you to read; what is the difference?

Gov. BUTLER. I will try to make it plain to the most common capacity. This is it; the difference is this: I read a thing to cross-examine the witness about a matter within his knowledge, to show that he didn't make the investigation that he ought to have made. He says to Mr. Brown, "I went up there in consequence of rumors." I said, "Didn't you have this report before you went up there, and were not these the rumors?" Wa'n't your attention called to the libertinism of Tom Marsh, to the thefts of the old woman, to the murder of that unfortunate, feeble-minded woman, who was killed in the bath-room, upon the testimony of Dr. Nichols; didn't you examine into those things? Those were before you. Those hadn't been examined, — if I may go into it, — hadn't been examined in the report of the committee, even. This was in order to show that for some reason, which at some time hereafter I will explain, the governor and council didn't examine the matter which the board of state charities asked them to examine. That was legitimate. Suppose I complained to you, sir, that certain things ought to be examined into and action taken; and you had the power to do it, and you didn't go and examine into one of those charges, but you went and said, I found everything lovely, excellent; shouldn't I have, when your testimony was against me, shouldn't I have the right to say: Well, sir, wa'n't you sent to examine this, this, this, this, this, this; and did you examine it? Did you put your nose into those closets and smell that mephitic stink that would take away the power of thought? Is Dr. Howe correct? Did you examine the case of that poor woman who was killed? Did you examine the question whether the clothes had been taken away? Did you examine the question as to the father of the illegitimate children born of inmates and insane there, because we shall hear more about that before we die, if we live to the common age of man? Did you examine into that? No. Very well; wouldn't that be legitimate, quite, I ask? I first asked him: did you examine into those things, and I got a negative answer in every instance. Weren't these

complaints before you? Yes. And the committee voted yesterday to put in what a half-crazed old woman said yesterday to a doctor, who wanted to get her to say something to qualify him as a witness; and was I not right in following to show there had been complaints for years, and years, and years, to contradict all this horde of witnesses, brought here from Tewksbury to say there never were complaints? This covers French Joe, this covers Smith, this covers everybody. Not only not the complaints of inmates, not the complaints of people who haven't characters, but the complaints of men whose duty it was to complain, the results of the investigations of those who had the right to investigate, and who appealed to their common superior to aid them in clearing out this slaughter-house.

The CHAIRMAN. That is a question for argument, Governor.

Gov. BUTLER. Pardon me; I agree that it is a question for argument; and it was to show you that I want to raise that argument, and it was legitimate to raise it, that I read this paper, — not to go into a report of a committee of the legislature made some time afterwards, and stop to read that, upon the avowed purpose of getting it on to the record at the same time to protect, who? Those who did the mischief. That is the avowed purpose. Let that go on to the record, that the investigation is stopped in order to get an answer to this, to go forth to the world to cover the misdeeds and protect the interests of somebody. And I rather hope you will vote it, because I want this exhibition to go to the world, not only to the country but further still, that when, in the orderly course of debate and investigation, I investigate by showing that there had been complaints to the highest magistrate of the land by the highest authority of the land, that that is made an excuse of having read, so it might be copied and put into the record, something done by somebody else that would have no special tendency to be an answer, but the best answer that could be got to protect the interests of those who are carrying on this defence against this investigation. Now, sir, let us see. This report was on the sixth of April. The charges were made April — I have them all here —

The CHAIRMAN. February 24th.

Gov. BUTLER. February 24th; yes; but this complaint was made to the chief magistrate before there was any report of anybody, on the 23d of March. Very well; and then it was his duty to have investigated it; in the language of a subpoena

in equity, "all other business being laid aside," to go and see what was the cause of these numerous deaths.

The CHAIRMAN. While the legislature was in session and charged with this very business?

Gov. BUTLER. Certainly, sir, certainly: it was the legislature's duty to make laws, it is the executive's duty to punish crimes [applause] and remove paid officers —

The CHAIRMAN. Mr. Doorkeeper, put out those parties, if you can recognize them.

Gov. BUTLER. That is what was the executive's duty: and he suggested upon the evidence that the old aunt should go out and Dr. Nellie should go out, and by and by I will examine him upon that suggestion, because I have got some documents here about that. Now, there is the difference. If the committee can't see that difference I can't help it. I have tried to make it plain, — the difference between what I did and what they ask to do. They ask now to stand up and read somebody else's papers with a witness on the stand, stopping the investigation upon the avowed purpose of getting in an answer to the charges. That is the avowed purpose. Now, if that is a legitimate and proper purpose, have it.

The CHAIRMAN. The question to me is, whether, the document being in, you can't enter it upon the record. [Hisses.] Mr. Doorkeeper, I wish you would form a committee to go about in the rear of the room, and if you can find out who has disturbed this meeting put them out, otherwise we shall be obliged to clear the hall. This insult to the committee has gone on as long as it will. The Governor has once, himself, requested all parties to desist from any applause. This is getting to be a solemn business.

Gov. BUTLER. Quite.

The CHAIRMAN. And trifling ought to be at an end. I was suggesting that as the document is in, if it is entered on the record, why that would not end all controversy. It need not be read now; is there any objection to that proceeding?

Gov. BUTLER. The only objection I have to that is that that suggestion of the chairman accomplishes Mr. Brown's purpose: that is all.

The CHAIRMAN. The document being in I submit it is competent to extend it on the record at some time to suit convenience.

Gov. BUTLER. Yes, sir.

The CHAIRMAN. Otherwise I shall put it to the vote of the committee.

Gov. BUTLER. I want a vote of the committee, sir. I know I am here in a lean minority.

Mr. MURPHY. I should like to make a motion, in order to bring it before the committee, that the document as offered by Mr. Brown be not read.

Gov. BUTLER. At the present time, till we finish this witness.

Mr. LEARNARD. I understand that prevents it being entered on the record in course at the present time?

The CHAIRMAN. I take it so; not to be read at the present time.

Mr. LEARNARD. Then I am against the motion.

Mr. PUTNEY. I take it that whether or not the documents are read now, or half an hour later, it will make but very little difference, as they are spread upon the records when they are read. It seems to me, if that is the only point, to have them go before the people, a half an hour later will make no difference as to that.

Mr. BROWN. The chairman will allow me to make a suggestion? One view has been lost sight of which was presented by me to the committee, and that is this: That I desire to call the governor's attention to what this committee did in reference to these charges, for the purpose of refreshing his recollection, and then I was about to proceed with some other inquiries.

The CHAIRMAN. The question is whether the documents shall be read now, — or, rather, whether they shall not be read; the negative was put.

Mr. PUTNEY. Not be read at all; is that the point?

The CHAIRMAN. Not be read now.

Mr. MURPHY. It seems to me that if the avowed purpose of putting in the documents is merely to have them appear in the public print, and is contrary to equity and law in the matter, they should not be read.

The CHAIRMAN. It is a question for us to decide, whether it is contrary to equity and law, or not.

Mr. MURPHY. Exactly; and that is the reason I made the motion as I did, for the committee to decide.

[The motion was lost by a vote of 2 to 5.]

Gov. BUTLER. I then ask that the whole document be read, sir.

The CHAIRMAN. Very well, sir.

Gov. BUTLER. As well the charges made as the rest, because, otherwise, we never can know what they passed upon.

Mr. BROWN. I will read the whole document. [Reading.]

[House, No. 326.]

COMMONWEALTH OF MASSACHUSETTS.

HOUSE OF REPRESENTATIVES, April 6, 1876.

The undersigned, of the Committee on Public Charitable Institutions, to whom was referred the Twelfth Annual Report of the Board of State Charities and Annual Report of the Tewksbury Almshouse — report in part as follows: That the Committee took an early opportunity to request Mr. Sanborn, chairman of the board of state charities, to prefer charges in writing in the matter of certain statements contained in the twelfth annual report of the Board, regarding the management, discipline and sanitary condition of the State Almshouse at Tewksbury. A statement was accordingly submitted, containing five charges, to wit: —

OFFICE OF THE BOARD OF STATE CHARITIES,)
STATE HOUSE, BOSTON, Feb. 24, 1876. }

To the Committee on Public Charitable Institutions.

GENTLEMEN:—Your vote requesting me, as chairman of the board of state charities, “to prepare specific charges in writing concerning statements made by you, etc., against Tewksbury Almshouse officers, etc., and present the same for the committee’s action on Thursday, the 24th instant” (to-day), has been communicated to me by your secretary.

Although I have had no opportunity to consult the members of the board in regard to the matter, and although it has never been the custom of the board to appear as the public accuser of state officers in hearings of this kind, but either as persons officially communicating information, or as witnesses subject to the examination of legislative committees, I yet feel no hesitation in complying with your request, so far as to submit to you in writing the statements verbally made to your committee in answer to questions asked or remarks made by members of the committee. These statements were made upon information officially obtained by members of the board in the performance of their duty, and were substantially as follows:

CHARGES.

First. That upon a visit of inspection made by the board to the State Almshouse in 1873, the hospital for the sick, the asylum for the insane and the room occupied by the foundling children were found either ill-ventilated, offensive from the effluvia of privies and other sources of stench, or infested with vermin; and that this insanitary and improper condition of those parts of the almshouse was then made known to the superintendent, and soon after to His Excellency, Governor Washburn.

Now, if the committee prefer, I will read directly after that first charge the answer of the committee to it.

Gov. BUTLER. I think you had better read the document.

Mr. BROWN. Read right on in order, shall I; very well.
[Reading.]

Second. That in October and November, 1874, certain insane women were improperly imprisoned at the Tewksbury Almshouse (as set forth in a report signed by F. B. Sanborn, S. C. Wrightington and Sidney Andrews, now in the hands of your committee); that this imprisonment was attended with circumstances or gross and obvious neglect and hardship, and was unknown to the inspectors for a period of at least eight weeks.

Third. That the mortality among the insane women, in a special hospital for such patients at Tewksbury, was excessive and shocking during the month of May, 1875, and the early part of June; that the responsibility for this mortality rests with Miss Helen M. Marsh, then and now assistant physician at the State Almshouse, of which her father is superintendent and her brother the assistant-superintendent; that this young woman had no such acquaintance with disease and insanity, or with the proper treatment thereof, as would qualify her for such a responsible position; that there was no epidemic or other unusual cause of death at the time; and that as soon as the hospital in question was put in the direct charge of the physician to the sane inmates, Dr. J. D. Nichols, the mortality instantly diminished; so that there were fewer deaths in four months following the 15th of June, 1875, than in the thirty-five or thirty-six days between May 5 and June 8, 1875.

Fourth. That a former inmate of the almshouse, Phebe A. Brink by name, charged one Reed, lately a night watchman at Tewksbury, with committing fornication, which he more than once solicited, and which took place at the State Almshouse one evening in September last; that this charge was brought to the notice of the board by Mrs. Durant, a state official, on the 29th of December last, and was at once investigated by the general agent, Mr. Wrightington, who believed the fact to be as charged, and reported the matter to the superintendent, Mr. Marsh, and to the watchman, Reed; that the latter denied it, but at the first opportunity gave up his place and left the almshouse, as if guilty.

Fifth. That the discipline of the almshouse has been and continues so lax, that such offences as are charged against Reed, may be, and have been, committed; resulting, in some instances, in the birth of bastard children who were begotten in the almshouse, probably by some of the male inmates; that other attempts of the same kind have been made, and that almost any scandal might arise there in consequence of this loose and improper discipline.

These were the statements made by me. I do not understand that the first is questioned. The second was proved by me, and admitted by the superintendent and inspectors of the State Almshouse at your hearing on the 17th instant. The third, fourth and fifth I am to-day prepared to prove, using as witnesses Dr. Allen, of Lowell; Mr. Wrightington, the general agent of the board; Dr. Nichols, late physician of the almshouse; and the superintendent and inspectors of the almshouse. I shall then call your attention to the fact that these scandals and improprieties have long existed, and have been in part remedied by the board of charities, but that the real occasion of them continues, and deserves the serious attention of your committee.

It will be for you to judge, gentlemen of the committee, whether you will extend your inquiries beyond the matter named above. But it cannot have escaped your notice that there are many other charges concerning the management of the State Almshouse, which have not been made by members of the board of charities, but in regard to which several witnesses are ready to testify.

Among these witnesses, known to me, are Dr. Nichols; Mr. French, an officer of the State Almshouse; and Mr. Chandler, an old resident in the neighborhood of the almshouse. No doubt there are several others; but of these I have personal knowledge.

Respectfully submitted,

F. B. SANBORN,
Chairman Board of State Charities.

Boston, March 18, 1876.

The undersigned find as to charge first: *facts proven*. It does not appear, however, that the management was entirely responsible. Dr. Howe thought the trouble was mainly structural; Dr. Allen, that it was partly structural, partly a matter of discipline. It is in evidence that the body of a pauper, just deceased of dysentery, was being cleansed in an adjoining room. Recommendations as to remedies were acceded to on the part of the superintendent. There is no question but that the institution is and has been generally clean and neat. Good water-closets were put in in the fall of 1874.

Finding as to charge second: *facts proven*. Imprisonment, illegal and improper. That it was done through a mistaken idea by Dr. Whittaker, that it was in the interest of the State; the services of the women being wanted to aid in the labor of the institution, and they refusing to work. The superintendent seems to have been ignorant of the imprisonment, and the first notice to the inspectors was given to Mr. Elliot, one of the inspectors, by ex-Governor Talbot. Mr. Elliot immediately visited the institution and remonstrated with Dr. Whittaker. The evil had been, however, corrected by Mr. Wrightington, general agent of the board.

Finding, in regard to charge third: *facts proven. Deductions not proven*. Your Committee regard the excessive mortality in May, 1875, as mainly accidental or cumulative. The fact that there were fewer deaths immediately after may not be adduced as proving entirely that the cause was in the change of physicians.

It may be reasonable to say that the assistant physician, Miss Marsh, is not so well fitted, by experience or education, as to be able to fill the position in a superior manner, especially as regards the care of the insane sick; but it is unjust to make the serious charge that she was responsible for the death of seven patients. While fourteen patients died in May, 1875, eleven of whom were women, the records show that nineteen died in July, 1870, thirteen of whom were women, and while Dr. Nichols was head physician, as in 1875.

Gov. BUTLER. Won't you read that again?

[Mr. BROWN read again the above paragraph, and then continued.]

Finding as to charge fourth: *allegations not proven*. The evidence does not support the charge, and comes merely from the Brink woman, —

That is, the evidence of bastardy —

who stated that she was pregnant, and is mistaken, and who has been, as stated by an agent of the board, a notoriously abandoned woman. The official record is, that she was divorced from her husband for adultery, and criminally intimate with men prior to and after marriage. Mr. Reed denies the charge emphatically. It is not entirely just to infer guilt from the resignation by Mr. Reed of his position at the almshouse, upon request of the superintendent, on an *ex parte* hearing. While guilt in this case is possible, a man's character may not be sworn away by the evidence of an alleged courtesan of the vilest class, and the accused is entitled to the benefit of the doubt.

Finding as to charge fifth: *facts proven*. Only two cases, however, of the birth of bastard children, begotten in the almshouse, have been proved to have occurred by the records of the almshouse; and two swallows do not make a summer.

The almshouse of Tewksbury occupies a peculiar position among our charitable institutions. It is the cesspool of the state charities, into which the lowest elements of our pauperism, disease and harmless insanity, gravitate. From other insane asylums, and from the towns and cities of the Commonwealth, there comes to it a steady tide of incurable insane, feeble, diseased, and, in many cases, filthy paupers.

It will not be considered strange if, with such an occupancy, the rate of mortality should be large, in comparison with other institutions. During the year ending October 1, 1875, the number of admissions was 2,043, and the highest number of inmates, 1,019 (page liv, Twelfth Annual report). We quote and endorse the following paragraphs from the report of the board, page lvii: —

"Perhaps it (*i. e.* the institution) can best be described as an *infirmary*, containing both sane and insane patients. It receives as many patients in the course of a year as the general hospital of a large city would receive, — invalids with almost every form and degree of disease. It constantly maintains an insane population as great as that of the average hospitals for the insane in the United States, with the exception of the largest ones. Of its 850 inmates, an average of at least 400 need the oversight of a skilful physician, and 150 require the daily care of a competent assistant physician and of well-trained nurses. In other words, they require, what is indispensable to every other large hospital or infirmary — a well-selected staff of medical officers, with a medical man at their head. For the lack of this, all the skill and fidelity of its resident physicians — Dr. Brown, Dr. Wakefield, Dr. Nichols, and others — have not been able to prevent the continuance of serious defects in its sanitary management. We doubt if any other hospital or infirmary, with so many patients, can be found in the United States which has had so little medical care and counsel. . . . None but a physician can properly regulate the daily discipline of a hospital."

The question as to the policy to be pursued by the State, in the future, is important.

We esteem it advisable that one of the inspectors shall be a competent, energetic, independent physician, of experience and skill in his profession.

Sound public policy demands that several of the officials of the institution related to Mr. Marsh, the superintendent, be discharged by the proper authorities. This would seem to be in accord with a correct sentiment of the people, that nepotism is unwise, both in national or state affairs, and for other reasons not necessary to give at this time.

We would also recommend that the head physician be nominated to the governor and council by the inspectors, and that he nominate to the inspectors his assistant physician or physicians for approval: that the head physician shall alone be responsible in matters pertaining to the medical treatment of sick, sane or insane: *provided, however*, that all reports of the medical department shall be transmitted unsealed through the hands of the superintendent, who shall in turn transmit to the proper authorities, and may indorse thereon approval or disapproval. That it may be advisable, in case the present superintendent shall continue in office, that Miss Helen M. Marsh should vacate the office of assistant physician. With only a limited experience in the treatment of sick *insane*, her appointment was unwise, and the nomination should not have been confirmed by the inspectors. Want of medical experience, however, is not the only reason for our recommendation. The daughter of the superintendent is too near the throne, except, perhaps, she was the wife of the head physician, to become his assistant.

The medical corps should be increased, or consulting physicians engaged, and provision made for their remuneration. Neither the inspectors nor the superintendent, however, are primarily responsible for any faults in this direction. Though Dr. Nathan Allen, a member of the board of state charities, denies it now, the weight of evidence seems to indicate that he did say, several times, that the medical staff should not be increased, while very anxious to procure the position of head physician himself.

The undersigned are sure that they would be unjust to themselves did they not explain in regard to the charges, as made by Mr. Sanborn, and signed by him as chairman of the board of state charities.

It was certainly supposed by your Committee, when it requested Mr. Sanborn to prefer written charges, and addressed him as chairman, that he would only present such charges as were indorsed by the full board, — not because the Committee wished to exclude evidence of sins of omission or commission, but that we might have as a basis, official rather than personal charges.

We certainly had reason to suppose that such indorsement would be given. Some days after, we received the following record of vote passed by the board: —

MARCH 13, 1876.

At a special meeting of the Board of State Charities, held March 10, on motion of Mr. Earle, it was unanimously voted, that the course of the chairman in *submitting written charges* concerning the State Almshouse at the request of the Committee on Public Charitable Institutions, meets the approval of the Board.

A true copy. Attest :

S. C. WRIGHTINGTON,
Acting Secretary.

[Italics our own.]

It will suggest itself to thoughtful persons that the board *do not and have not yet indorsed the charges* to your Committee, and Mr. Sanborn did, on the 21st of March, at a public hearing before your Committee, acknowledge that the vote in its specific language did not indorse or sanction the charges.

Whether this vote was passed because the board would not indorse the charges, or was a stroke of policy, your Committee are unable to determine.

It will be noticed, by reference to the report of the board for 1875, pages liv to lxi, that the charges or allegations, are presented in a much milder form than as given to the Committee in the letter of Mr. Sanborn, which we quote in the beginning; that some charges in the letter do not appear in the report, and that the charge of illegal confinement seems to have been considered as substantially settled at the time of its occurrence.

There seems, however, to be an irrepressible conflict between the chairman of the board of state charities and other officials who have independent supervisory powers over the charitable institutions. Mr. Sanborn undoubtedly is to be credited with long-continued and able labor in his position. It is his duty to report facts, and he has not failed so to do; but we submit he has no right to draw conclusions unadvisedly, and to report publicly, suspicions or insinuations which may condemn in public estimation innocent parties.

Some of the evils complained of in regard to the charitable institutions, are due to a want of courtesy on the chairman's part toward other officials, his equals in ability, honesty and culture, notably in the case of the inspectors of the Tewksbury Almshouse. Clearly, some members of the board of state charities are responsible in a measure for a part of the troubles at Tewksbury. They are responsible for the reinstatement of Dr. Nichols, who seems to have been too old, infirm and irresolute to fill the position he assumed, and who, whatever his knowledge as a physician might have been, did not dare seemingly to uphold the dignity or independence of the office of head physician.

They are responsible in that one of their number, Dr. Nathan Allen, who claims to have "investigated the subject of hygiene and sanitary laws more carefully than any other man in the country," did in 1875, in writing, recommend himself to the chairman of the

inspectors as a suitable person to take charge of a department at Tewksbury, thus somewhat embarrassing the inspectors, and using what has been called an honorary position under the State to lift himself into a sinecure, and whose opinions upon the management of affairs at Tewksbury have very much changed since he failed to procure what he then so much desired.

We cannot close this Report, upon a hearing so disagreeable to your Committee, without stating to the honorable Senate and House, — in view of the exciting circumstances attending it, and the fact that the press has been used to forestall public opinion by statements made as to charges proven, which statements we deem unfounded, — that, “with malice towards none, but charity to all,” we have striven to give to yourselves and the people of the Commonwealth a true statement of facts. We appreciate fully the difficulty of satisfying the views of those who believe the management of affairs at Tewksbury, under its present administration, nearly perfect, or of those who think such management grossly inefficient. Our judgment is not, by any means, infallible. It is sincere, and the result of a most careful and unbiased consideration of the facts. Much trouble to your Committee might have been saved by a reference to the governor and council, but it does not seem proper for us to shirk responsibility. We respectfully report the accompanying bill.

GEO. W. REED.

GARDNER A. CHURCHILL.

MICHAEL CARNEY.

Indorsed by the undersigned, except as to lack of courtesy on the part of the chairman of the board of state charities. See preceding page.

D. D. BAILEY.

GILES G. BARKER.

ADDITIONAL REPORT.

The undersigned feel compelled to add a further recommendation: that the almshouse demands, and must have, a superintendent of preëminent executive ability, and of sterling character; and while finding nothing which affects the personal character of Mr. Marsh injuriously, cannot but come to the conclusion, that, while he has been generally efficient in his administration, and has had much to contend with, he lacks that superior ability for the position which is demanded and ought to be obtained, — an ability which the State fortunately possesses in the superintendents of most of its other charitable institutions.

The fact that he was ignorant of the imprisonment of the insane women, — an imprisonment continuing for weeks: that his accounts

are not settled with the State monthly as required by law, even when possible so to do, after appropriations passed (though there is no reason to suppose the accounts incorrect); that he allowed speculation by under officers in tobacco with inmates of the institution; that he has appointed so large a number of his own family and relatives to the higher offices; that he was not aware of any excessive mortality, whether justified or not; that he sanctioned the return of Dr. Nichols, even under a pressure undoubtedly brought to bear by the board of state charities; that he allowed Dr. Whittaker to remain, or did not report to the inspectors the illegal imprisonment of the insane women, when he ascertained the facts; that no record has been kept at the almshouse of said imprisonment of insane women; that he requested Thaxter Reed to resign, upon the mere charge of an alleged abandoned woman, without a proper hearing, are some among many of the reasons, showing a want of superior executive ability equal to the position.

To obtain such a superintendent as is desirable, a suitable and ample salary should be granted.

GARDNER A. CHURCHILL.
D. D. BAILEY.

MINORITY REPORT.

HOUSE OF REPRESENTATIVES, April 6, 1876.

The undersigned, a minority of the Committee on Public Charitable Institutions,

R E P O R T :

The matter of the investigation of the management of the Tewksbury Almshouse came to the notice of the Committee in an examination had in regard to repealing the laws establishing the state board of charities, and substituting therefor a bill providing for another organization.

In examining this subject, the question naturally arose what the board had accomplished since its existence, and wherein it was useful at the present time.

Among other answers given, great stress was laid on the fact that it had discovered aggravated abuses and mismanagement in the Tewksbury Almshouse; and, in defining these abuses, and in stating supposed facts, charges of a grave nature were made. So important and serious were these charges, that the Committee, in justice to all parties, voted to request the chairman of the board to present his charges in writing. This was complied with, though without any vote of the board, and the Committee to this day are not sure that

the charges have been officially indorsed, or ever read in the shape presented to this Committee, by a majority of the board; although a majority did approve of the course of the chairman in complying with the vote of the Committee requesting the charges to be presented in writing.

Whether the board take the responsibility of making these complaints, or whether the whole responsibility lies with the chairman, this Committee have as yet no means of knowing.

The first charge relates to the ill-ventilated and filthy condition of the institution on September 22, 1873. On that day, Dr. Nichols, the physician, in his sworn testimony says, that in one of the apartments a woman had just died of dysentery, and her offensive remains were just being removed as some of the members of the board of state charities entered. The stench from this body for a few moments was unbearable. In the report which these members made to their board, no mention or allowance was made for the above circumstance at that time, or since; yet, from their statement then, and by the chairman's charge now, one would be led to believe that that day was a type of the general condition of the Almshouse.

There can be no doubt, however, that the state of the atmosphere was generally impure. Dr. Howe, who was a member of the board at the time, in a letter to Gov. Washburn, speaks in very strong terms of this prevalent impure air and want of proper ventilation. He also says that this state of things is not owing to the administration of officers. He lays great stress on the fact of the construction of the buildings as faulty and entirely unfit for proper ventilation. It is fair in this connection to say that Dr. Allen, in his testimony, said that he did not entirely agree with Dr. Howe as to the administration, and the chairman also expressed the same dissent. It was intimated that the same condition of things remained for some time after the visit of the board alluded to, but no proof of a reliable nature was offered to substantiate that fact in the minds of the undersigned. It is known to every one conversant with the buildings first erected, that they were poorly built, inconvenient, and had no modern appliances for ventilation or cleansing. The blame for this state of things, if there is any, lies with former legislatures, if anywhere, in not providing full appliances for ventilation, and in not keeping in pay employes enough to watch over the inmates, so that they should not interfere with such means of ventilation as were furnished.

In regard to this first charge, the undersigned are of the opinion that the condition of the Almshouse on the 22d of September, 1873, and afterwards, was owing more to the structure of the building than to any neglect or mismanagement on the part of the superintendent; no reliable testimony was offered to substantiate any delinquency of duty in this regard on the part of that officer.

The second charge refers to the imprisonment of certain insane women; who refused to work in the laundry. This matter was

brought to the notice of the Committee on Public Charities, of the session of 1875, by the reception of an anonymous paper setting forth this abuse. This paper was afterwards, by request, placed in the hands of a clerk of the board of state charities, and another paper of the same tenor, signed by the secretary or chairman of the board, was submitted to the committee. That committee examined into the matter, and found that women had been imprisoned in the manner alleged; but when the statement was made to the superintendent and physician by Mr. Wrightington, the general agent of charities, that the imprisonment was severe, uncalled for and illegal, it was at once abandoned, both the superintendent and physician being convinced of the impropriety and unnecessary severity of such a mode of treatment of such an insane and irresponsible class of human beings.

The superintendent said that although he was aware that such treatment was pursued, yet he did not think that it was his duty to interfere with the action of the physician; and in justice to the physician, Dr. Whittaker, we ought to state that in a defence of his course submitted to this Committee, he assigned as a reason for his treatment of these women, that although they were in as good health as the insane generally are, they were obstinate, lazy, noisy, and would do nothing to occupy their time, though they were able to work. He also stated that their absence from the halls was a great relief, both night and day, to some three hundred other insane persons.

The third charge relates to the excessive mortality among the insane sick women during five weeks in May and June last. The fact of this excessive death-rate is proved by the records of the almshouse. The cause of this excessive death-rate is attributed, in this charge, to the ignorance, want of experience and of medical knowledge and malpractice of Miss Marsh, the assistant physician.

Miss Marsh is a daughter of the superintendent, thirty-six years of age, and a graduate of the Boston Medical College. Two physicians who knew her when in college, testified to her ability as a student, and believed her to be well educated in her chosen profession. Another physician testified to what he believed to be her skilful treatment of certain cases which came under his notice, and the present resident physician at the almshouse, since October last, who has the whole supervision of the sick, sane and insane, says that Miss Marsh is an intelligent woman, understands her profession as well as average physicians of her age, and has been very successful in the medical treatment of some forty infants who have been under her immediate care, and of which none have died. Whether the above testimony is worth anything, those concerned in the matter must judge.

There are some members of the Committee who think that it is rather a broad charge to lay the blame of that excessive death-rate

to the treatment of any living physician, man or woman, young or old.

We know nothing of Miss Marsh, who is charged with causing the death of fourteen persons in five weeks, only, when before the Committee, she was self-possessed, clear in her statements, seemed to understand her profession, and answered the questions when direct and when under a very severe and searching examination, with calmness and candor. She said that Dr. Nichols, the then attending physician, told her she might, in some cases, have given too much medicine, and that probably many of the patients needed none; and she also said she always heeded his advice and followed his directions, when he gave any.

Dr. Nichols, after having been discharged as physician for incapacity by the directors, was reinstated again at the earnest request of some members of the board of charities. He found Miss Marsh at that time acting as assistant physician, and having the care of the insane sick women. From some cause Dr. Nichols did not choose for some days to visit the insane sick women, at the time of this large death-rate, and it is rather difficult to understand how he could know whether Miss Marsh *overdosed* the patients or not.

There are members of this Committee who do not believe that the maltreatment or the *no treatment* of any medical man or woman had anything to do with the death of these women at that time.

When we consider the actual condition of these insane women, it is not surprising that the death-rate among them should be large at any time.

Some call this almshouse the cesspool of wretchedness, sickness and death. At any rate, the condition of the classes of persons who congregate there, or in any institution of the kind, as we go among them, is enough to soften the hardest heart. Insane, drunkards, libertines, diseased, abandoned to laziness and vice, homeless, houseless, friendless, they pour themselves into these institutions as their only hope, their last resort, and often their last home.

We must remember that the insane who enter this hospital are pronounced incurable, and for that very reason are admitted here. Seldom does any one recover. They must live and die here. They are the residuum of those who have been treated at the other hospitals till treatment has failed to restore them. They are broken in constitution, epileptics, irresponsible, idiotic. They linger out a wretched existence away from friends and from all that makes life desirable. Is it strange that they should die, or that the death-rate should be large, or that, at some special times, there should be an increase of the rate?

We must insist that there should be more direct testimony to the fact that the treatment pursued by Miss Marsh was, as is charged, the actual cause of the death of fourteen insane women before we condemn her.

The fourth charge consists in part of a case of criminal intercourse between a night watchman and one of the inmates.

The Committee were led at first to believe that the charge was proved, if the word of the woman was to be taken as true. Although there was some circumstantial evidence, not sworn to, however, which would seem to substantiate what she said, yet she made many contradictory statements, and was proved to be, by her own mouth, a lewd and lascivious person, and was committed as such to the Bridgewater Workhouse. There she stated to an official that she was with child by the watchman. This, however, is now known not to be the case. This charge was made known to the accused watchman, who denied it at the time, but by the advice of the superintendent he left the institution. Seeing this charge brought to light by this examination, he wrote to the Chairman of the Committee requesting to be heard, and accordingly he appeared before the Committee, and on oath denied the charge. The Committee, under the circumstances, could not consider it as proved.

Other cases of licentiousness, both of men and women, were charged. Some of the testimony was direct, but much of it was of a hearsay nature. Also, charges were made that bastards were born of women who had intercourse with inmates at the almshouse, and were sent to the Bridgewater Workhouse to be confined. After a careful examination of the records of both institutions, two such bastardy cases were found in seven years.

The undersigned have no doubt that such cases have occurred, and do occur, in such institutions as these. Since the present superintendent has had the charge of the institution, he has had under his care some forty thousand inmates, and it is not very strange that among such a class of persons, things of the nature mentioned should occur.

A parallel was attempted to be drawn between the discipline of this almshouse and the Bridgewater Workhouse; but the discipline of an almshouse, in the very nature of things, cannot be so strict as that of a penal institution. The inmates of Tewksbury Almshouse are not sentenced persons, but are those seeking relief. That fact should be borne in mind when we talk about discipline and force.

The undersigned have thus far endeavored to state the various charges made as to the management of this institution, and in an impartial manner, and in accord with the sworn testimony before us. In review of the whole matter, we would say that the board of state charities, though professing to have an oversight of this and other institutions, actually knew nothing of these charged abuses till they were informed of them from outside sources. The imprisonment of the insane, for instance, was brought to the notice of Dr. Allen, a member of the board, by a person who was passing by his office in Lowell. We also learn that the inspectors knew nothing of the imprisonment from their own inspection, and that the super-

intendent after having knowledge of the fact, did not at once put a stop to it. These facts show that the board of state charities in their action, in this case at least, depended more on outside hearsay evidence as to the existence of these supposed abuses, than upon any thorough inspection of their own.

The imprisonment of these insane women was made wholly under the direction of Dr. Whittaker, the then resident physician; and in a report which he then made, he stated that the imprisonment was not imposed as a punishment, but as medical regimen, to induce the patients to make some active exertion which he deemed necessary for their physical well-being. There was no satisfactory proof that any one thus imprisoned was harmed thereby; and the superintendent testified that he did not deem it his right or duty to interfere with the treatment which the physician thought proper.

The inspectors, on learning of this treatment, immediately, by formal vote, expressed their disapproval of it, and there has been no recurrence of it since.

This matter of imprisonment of those insane women was investigated a year since; and, as it was committed three years since, and at once abandoned, the Committee are at a loss to know what possible benefit can be derived from bringing the matter before the public at this late period by the chairman of the board.

The undersigned are convinced, from the testimony offered, that the improper condition of the atmosphere in the Almshouse was owing more to the structure of the building than to any neglect or mismanagement of the superintendent. No satisfactory testimony was offered to substantiate delinquency of duty in this regard. And they think that a male night watchman should never be permitted to visit the female dormitories alone, and we are at a loss to conceive how such an improper custom should have obtained; and as fully reprehensible is the custom of women being allowed to visit the male dormitories for the purpose of making beds; and we doubt the propriety even of having men employed in the cook-room with the women.

There was evidence introduced to prove that the assistant superintendent — a son of the superintendent — attempted to influence the vote of one of the attendants. How far this influence was exerted was not shown, only that at one election the party did not vote. The superintendent told the man to vote as he pleased. The whole matter was too trivial to be noticed.

Some indirect testimony of a hearsay nature was introduced, in regard to the employment of parties known to be of licentious character, but no testimony of a reliable nature was given to sustain this charge.

There is one subject which has obtruded itself upon the attention of the Committee, which, though not the foundation of a direct charge, yet was constantly alluded to in our discussions, and has ex-

cited the attention of the public. We refer to the "nepotism," so called, prevailing at the institution. The superintendent has seven persons of his own family employed in the institution. Their united salaries amount to five thousand dollars per annum, and their board. These officers are nominated by the superintendent and confirmed by the inspectors. The inspectors feel that no harm has grown out of this state of things, so far as they know. But it is doubtful whether it is well to suffer such a state of things to exist in any institution of the kind. Certainly no abuse, if any existed, would ever be brought to light under such a peculiar administration of affairs; and although the family, upon the whole, may be united in doing their best for the interests of the institution, yet the duties can be performed as well, if not better, by others, than by those whose family interests are one and the same for the time being. The superintendent is constantly suffering from the public talk which this arrangement elicits, and undoubtedly it would be better for all concerned that this state of things should cease.

The Committee are decidedly of the opinion that the management of all the sick, both sane and insane, should be placed under the care of a capable physician, appointed by the governor, who shall have the appointment of his assistants, and upon whom shall rest the whole responsibility of the position, amenable only to the inspectors in matters not appertaining to his profession.

No professional man, of any standing, will long hold a subordinate position like that which now is maintained at this institution, and the sooner this matter is remedied the better it will be for all concerned.

The undersigned are of the opinion that the diet is too poor, and the attendants too few, for the comfort of these insane people. The propriety of *massing* these chronic insane as obtains at this institution, is of doubtful expediency, though it is said that it has succeeded in the New York hospitals.

So far as the undersigned have investigated the subject, they believe that the monetary affairs of the institution are economically conducted.

In concluding this Report, we would enter our protest against the publicity given to those charges, which was wholly uncalled for, and is deprecated by us as producing essential evils in the community, by lessening, in the public mind, that confidence in our benevolent institutions which they have hitherto possessed.

Gov. BUTLER. That is a very good line.

And we condemn the course pursued, in circulating through the public press all over the country, the charges against this institution "as admitted or proved by sworn testimony or both," when a committee of the legislature had the whole matter under advisement, and had not come to the final result, thus endeavoring, on the part

of the complainant, to forestall public opinion, and to produce a false impression in regard to the whole matter.

We coincide in reporting the accompanying bill.

FRANCIS D. STEDMAN.

GEORGE HASKELL.

WILLIAM WOODS.

Then follows the bill. Shall I read the bill, Governor?

Gov. BUTLER. Yes.

Mr. BROWN. [Reading.]

COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Seventy-Six.

AN ACT relating to the Appointment of Resident Physicians at Tewksbury Almshouse.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The governor, with the advice and consent of the council, shall appoint, for the state almshouse, a resident physician competent to take charge of insane inmates, whose salary, subject to the approval of the governor, shall be fixed by the inspectors of said institution; and said physician shall, in addition thereto, possess the same rights and privileges, relative to residence at said almshouse, as are now by law possessed by the superintendent thereof.

SECT. 2. The inspectors of the state almshouse shall, within ten days from the passage of this act, and thereafter whenever a vacancy shall occur, within ten days from the occurrence of such vacancy, nominate to the governor and council some suitable person for resident physician at said institution, and in case of failure on the part of said inspectors to make such nomination within the time specified, the governor and council may appoint a resident physician without such previous nomination.

SECT. 3. The resident physician shall immediately upon his appointment, and thereafter whenever a vacancy occurs, nominate to the inspectors suitable persons for the offices of first and second assistant physician, who shall hold their several offices during the pleasure of said inspectors, and at such salaries as may be fixed by them.

SECT. 4. The resident physician shall have entire charge of, and be responsible for, the medical treatment of the inmates of the hospital at said almshouse, and of the asylum for insane; shall appoint and remove the nurses of the hospital, and the attendants of the asylum, and shall fix their several salaries subject to the approval of the inspectors. He shall regulate and control the dietary of said hospital and asylum, and shall supervise the preparation of the food for these departments; he shall from time to time make requisitions upon the superintendent for such food, medicines and necessities (other than the ordinary almshouse supplies) as in his judgment the requirements of a well-ordered hospital demand.

The CHAIRMAN. [Mr. Gilmore.] We shall be obliged to stop here, Mr. Brown.

Gov. BUTLER. I am obliged to say to the committee that on Monday there is an official duty put upon me, commencing at half-past nine, which has been performed by every governor for 260 years, and I suppose I must not set the example of breaking the custom, and that is of attending the parade and commissioning the officers of the Ancient and Honorable Artillery Company. Therefore I cannot be here on Monday, because, unfortunately —

The CHAIRMAN. On Tuesday you will be ready?

Gov. BUTLER. On Tuesday I will be ready. I want, in the meantime, to say to the committee, that the committee should direct,— I will furnish counsel on the one side, and Mr. Brown may either do the same or go himself,— in order to take some depositions, such as would be taken in the ordinary course of justice, in the State of New Hampshire. I have two reasons for that: first, it will save a great deal of time in the committee, if the testimony is taken by deposition; and, secondly, it will save a great expense to the State in bringing the parties here and keeping them from time to time; and it may be impossible in some instances, where they are official persons, or persons having daily attendance at duties, to get them here at all, for there is no way of compelling attendance. The statutes of the Commonwealth allow in every case notice to be given of intention to take a deposition in the State, and it is taken as it may be under certain rules of court, and a commission sent out to take it, where the party don't choose to go himself. I would ask the committee to pass an order giving due and proper notice to the other side, as would be in the case of ordinary depositions, that depositions shall be taken; and, then, I should consent to the other side taking depositions in the same way.

Mr. BROWN. Why can't we agree to have the committee instruct the official stenographer.

Gov. BUTLER. We can't send the official stenographer, exactly.

Mr. BROWN. Let him go before the magistrate in the locality and take the deposition.

Gov. BUTLER. We want to go on here, and we will have him here. We will send a stenographer so as to take it, and it can be going on when you and I are not there. It will very much shorten the labors of the committee. I have got to take some

five or six, and perhaps more ; and brother Brown said yesterday that there was a lady by the name of Bowen somewhere in Maine.

Mr. BROWN. She is here.

Gov. BUTLER. That he wanted taken. I should consent to it if he has any witnesses who are out of the State. It might be difficult for him to get some witnesses from New York, if he has any, here. I am content that depositions shall be taken there. In fact, we shall have the investigation, gentlemen of the committee, going on at double speed, with power in the other branch to sit all day and all night, if they choose. And it will very much shorten our investigation and lighten the expense ; and will be, upon my judgment, in the furtherance of justice.

The CHAIRMAN. Proper notice will be taken of your suggestion, and the committee will now adjourn to half-past nine on Tuesday.

FORTY-THIRD HEARING.

WEDNESDAY, June 6.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

The CHAIRMAN. Proceed, Mr. Brown.

TESTIMONY OF ALEXANDER H. RICE (*resumed*).

Re-direct examination by Mr. Brown.

Q. Referring to the letter dated March 23, 1876, which was read by His Excellency the Governor —

Gov. BUTLER. You mean the report of the board of state charities.

Q. (By Mr. BROWN.) Signed by F. B. Sanborn, S. C. Wrightington and Sidney Andrews, will you tell me whether you made a reply to that? A. Yes, I did. I have it here. [Producing a letter.] If I may be permitted —

Gov. BUTLER. Allow me to see it before it is put in; that is the ordinary thing to do.

The WITNESS. I suppose, Mr. Chairman, that it is perfectly understood that I am here in obedience to the summons of this committee, and not on account of any voluntary, personal or partisan interest that I have in the matter of this hearing.

Gov. BUTLER. I should like to ask a question or two before this letter is put in. Here is a letter under the heading, "Commonwealth of Massachusetts, Executive Department, Boston"—

The WITNESS. I should like to read it myself.

Gov. BUTLER. You shall have the opportunity to read it, but I want to read the title of it: "Boston, December 20, 1876: To the Chairman of the Board of State Charities." It seems to be an official letter, and on the back of it is "1876, response of Gov. Rice to the Board's communication of Mar. 23, 1876, relative to the State Almshouse. Received Dec. 20, 1876. On file."

Q. (By Gov. BUTLER.) Is there any copy of this letter on file in the executive department? A. This is the original, sir.

Q. And you obtained it from our files or from the files of the state board of charities? A. I will make that statement, sir. When I was here on Friday last, I came without referring to any documents or papers whatsoever, and I was obliged to trust to my memory about circumstances and events which happened several years ago. Since that time I have been in New York, and, returning and thinking of the matter, it occurred to me that I did make an official reply to the letter, which was read by His Excellency on Friday last. And inasmuch as the papers and documents belonging to me, while I was in the executive department, were removed at the close of the year 1878 to my warehouse on Federal Street, and were destroyed by fire in the last days of December, 1878, I had no documentary papers to which I could refer. I consequently came up to the State House and made inquiry at the office of the board of health, lunacy and charity, I believe it is now called, for any copy that might be on file there of any reply that I did make to the communication of the board of state charities in 1876; and this was furnished me for use on the present occasion. I stated the other day—if there be no objection—that I went to Tewksbury and made a careful inspection of the state almshouse. That I did in the same spirit and in the same manner in which I inspected the other institutions of the State. I had nothing specially for or against Tewksbury. I went first to Tewksbury in consequence, as I stated the other day, of certain rumors in respect to its condition. The communication which was read by His Excellency on Friday is, of course, fresh in the minds of the committee; and this is the reply:—

COMMONWEALTH OF MASSACHUSETTS.

EXECUTIVE DEPARTMENT,

BOSTON, Dec. 20, 1876.

To the Chairman of the Board of State Charities:

SIR,—I duly received a communication addressed to me by the Board of State Charities under date of March 23, 1876, relating to matters at the State Almshouse at Tewksbury. To that communication no formal reply has hitherto been made, and I am informed that such would be acceptable to the Board.

Simultaneously with the receipt of the communication of the Board, an investigation of the affairs of the almshouse in question

was in progress by a Committee of the Legislature, and it was not by me deemed expedient to institute a similar investigation, or any investigation until that already in progress had been concluded. The Reports of the Committee were in due time submitted and acted upon by the Legislature, and the changes in administration therein suggested have, for the most part, been adopted, and a spirit of reform instituted, which has resulted in admitted and manifest improvement.

Many of the allegations in the communication addressed to me by the Board of State Charities, referred to events and persons in respect to whom no practical benefit could accrue to the institution from additional investigation.

I paid an early visit to the institution soon after the action of the Legislature upon the Report of the Committee was communicated to me. Being more desirous of ascertaining the actual condition of the institution, than to solve the merits of differences of opinion respecting its administration, or of any personal controversy whatever, I addressed myself to as thorough and specific an examination of the buildings, equipments and supplies, and to the different classes of the inmates as the visit permitted; all of which I found more satisfactory than I expected.

It cannot be said that the institution is in excellence beyond criticism; and with considerable personal experience in connection with this class of establishments, I have seldom seen one that is. Some facts involved in the heterogeneous character of the great family gathered at Tewksbury — embracing, as it does, all ages from infancy to old age, both sexes, many nationalities, every variety of previous social and physical condition, sane and insane, render its successful administration fraught with uncommon difficulties. These should not excuse wilful neglect, nor tolerate incompetency; but they should be allowed their proper weight of consideration where there is respectable ability and honest purpose in the administration of a public institution. One of the inspectors of the almshouse, whose term of office expired, has been transferred, and a successor at the almshouse board has been appointed. It has not appeared to me necessary to make further changes in the board of inspectors at present. The medical staff at the institution has been re-organized, and the objectional personal features of it have been removed. Three members of the superintendent's family have dissolved official connection with the institution. It is my intention to encourage excellence, and to reform abuses in this and in all the other public institutions, so far as they come to my knowledge, and by means which commend themselves to my judgment, and in accordance with law.

I heartily commend all the vigilance of the Board of State Charities in the performance of their difficult and highly responsible labors; and it is my desire to co-operate with them in all measures which

shall promote the welfare of the State, and the better condition of the unfortunate and destitute classes who come under their supervision. If, in so doing, within the sphere of my own duties and responsibilities, I should fail to always coincide in my convictions respecting either persons or measures with the board, I trust that any such failure will not be interpreted into disrespect for its wisdom or its integrity.

Very respectfully yours,

ALEXANDER H. RICE.

I would like to add, Mr. Chairman, — if there be no objection — inasmuch as it was intimated the other day that I possibly might not have fulfilled the full measure of my official duty in this relation, that at the time this correspondence took place, I was young in office; I knew from practical observation very little about the State institutions, but I addressed myself, if I may be permitted to say so, with proper diligence during that year 1876 to acquaint myself with every State institution and with the organization upon which they rest. I wish to say that the result was not very satisfactory to me. I was not influenced by the mere administration of any of the institutions or of their improper conditions at the time, but I was led to believe that many of the defects such as existed in the institutions were attributable more to faulty organization than to the administration of the institutions themselves by their local supervisors. I therefore, in my communication to the legislature in 1877, the next year, said: [Reading.]

“The labor and discrimination of a body of judicious persons, acquainted with the practical working of the law and of our charitable institutions and system could now be well bestowed for a few months in collating and revising all the existing statutes in regard to pauperism, crime and insanity; so that the present or the next General Court may repeal such of them as are obsolete, equivocal or conflicting, and condense the remainder into a few concise chapters, instead of leaving them, as now, scattered through twenty volumes, with judicial decisions modifying them in as many more volumes of reports. The Board of Charities has done what it could in this respect; but its powers are insufficient, and its members too fully occupied, to accomplish all that is desirable.”

And now one paragraph more:

“These institutions, ten or twelve in number, including four hospitals for the insane, a large State almshouse, two reformatories, three schools, and three prisons, are now governed each by its

own superintendent and board of trustees or inspectors, between whom there is little consultation or co-operation. Except the Blind Asylum, which now reports to the Board of Education, they are all under the general supervision of the Board of State Charities, which possesses also certain powers of administration in regard to many of them. The Prison Commission exercises other powers concerning two of the prisons, at Sherborn and at Bridgewater. But neither of the supervisory commissions has any direct power to regulate expenditure nor to correct the management of any institution, these matters being left to the local boards of inspectors or trustees. Even these last may have no control of the appropriations for rebuilding or remodelling an establishment, though they often direct construction and repairs. But in this divided jurisdiction, a conflict of authorities may easily arise, while the subdivision of responsibility sometimes acts unfavorably in point of economy. The great expenditure for new public buildings, within the five years since the close of 1871, is an illustration of this, which has more than once been cited, but which has lost none of its force by repeated remark. The union of several of these local boards of inspectors and trustees, in a single board, for each branch of the public charities, or some other mode of simplifying and concentrating the management of these institutions, is much to be desired."

Then in my address the following year, namely, 1878, in speaking of the State charities and the necessity for reorganization, I said: —

"With this end in view, the legislature, in May last, authorized the appointment of a commission of three persons to inquire into the expediency of revising the system of administration of the public charities and reformatory institutions of the Commonwealth, and all the existing statutes in regard to pauperism, crime and insanity, with a view to secure greater simplicity, economy and efficiency in said administration. In view of the comprehensive scope of the act, which in its fulfilment would go to the root of the matter and scrutinize the laws, institutions and supervision, it will be regretted that the commission was so small in number as to render impracticable the distribution of so vast a labor into desirable details. The report, which will soon be placed before you, will show the magnitude and necessity of the work undertaken by the commission, and the diligence with which it has been prosecuted."

Then follows, which I will not read, except the first paragraph, as follows: —

"The commission will recommend;—

"I. That the Board of State Charities, the boards of trustees of

the several State Lunatic hospitals, of the State Reform and the State Industrial Schools, the inspectors of the State Almshouse, of the State Workhouse, of the State Primary School and of the State Prison, the Board of Prison Commissioners and the various Advisory Boards of Women, be abolished."

Then follows a statement of what the commission will recommend in further support of a governing Board of Health, Lunacy and Charity. I wish simply to say, therefore, that if there was any failure on my part of proper diligence in looking after these institutions, it must be found outside of what is stated in my reply to the Board of State Charities, the recommendation for a thorough reform of the whole system, the appointment of a commission on my recommendation, the report of that commission and the reorganization which took place, so far as personal appointments were concerned, by my immediate successors in office.

MR. BROWN. Will you look at that chapter, 291 of the Acts of 1879, and tell me whether that was the culmination of your effort to reorganize that board?

GOV. BUTLER. Pardon me; he cannot tell you, because he was out of office at that time.

THE WITNESS. Yes, I was; my official term was in 1876, 1877 and 1878.

GOV. BUTLER. That was under Gov. Talbot, and if you will look you will find that there is but one recommendation carried out there. That was the trouble. Just what I recommended,—that all this machinery of separate boards should be abolished and there should be one head. And that is exactly what was not done.

THE WITNESS. Well, I submit that it is no fault of mine.

GOV. BUTLER. Pardon me; you are not on trial, Gov. Rice; only your little inspection up at the almshouse.

MR. BROWN. I want to call the attention of the committee to chapter 291 of the Acts of 1879.

THE CHAIRMAN. Is that a statute providing for the reorganization?

GOV. BUTLER. That is the present statute.

MR. BROWN. That is the statute under which the present board was created.—I have no further questions, Governor.

GOV. BUTLER. I have one or two, sir. Will you let me take that letter?

Mr. BROWN. The reporters have taken it down-stairs to manifold it.

Gov. BUTLER. I don't know that I want it particularly.

Re-cross-examination by Gov. Butler.

Q. Now, Governor, I want to make an inquiry or two about this letter. This seems to be an official letter from you to an official person in the State about the State government? A. Of the State government?

Q. About the State government; about the whole of it. Now, then, will you tell me—you say that you took away, at the end of your term of office, all the letters and all the documents which belonged to you, from the executive office. Did you take away this, or the original, or the copy which should be on file?

A. I did not; that is the original.

Q. This is the original; but this was not in the executive office. There ought to be something in the executive office to show that such a document had gone out. Did you take away that copy? A. I don't know but that in the letter-books of the executive office there may be that copy; I don't know.

Q. Pardon me; didn't you take away the press-copy books?

A. Of my personal correspondence? I took whatever belonged to me, and nothing that belonged to the Commonwealth.

Q. I am not going into the question of property now, sir; we have had that sufficiently discussed up here by Mr. Charles Marsh. I am now upon the question whether you took away the copy-book that contained that letter? A. I don't know anything about it, sir; if it belonged to me I took it away, if it belonged to the Commonwealth I left it.

Q. Do you know whether it is gone or not? A. No; I have not been into the executive office since my official connection with it, except to attend the inauguration of governors or on incidental business.

Q. Now, sir, is it not a fact that all the copies of letters written by you have been taken by you? A. My personal letters have been taken by me.

Q. Well, sir, were there personal letters kept in the same copy-book with this? A. I think not.

Q. Don't you know? A. I am not accustomed to mix my official and personal correspondence.

Q. That may be, sir; I don't wish to show that. But, now, do you not know, Governor.—do you not know, Mr. Rice, that

you did take away all the correspondence like this which was copied in the office? A. Why, your Excellency, I should not quibble with you on any small matters. If I took away any official correspondence, or any property belonging to the State, I should say so.

Q. I am not on the question of quibbling, sir; I want to know if you didn't do it, that is all, and if I find you didn't, I will try to find who did. A. That is all right.

Q. I am not quibbling about it. *Qui s'excuse, s'accuse.* Well, now, you excuse yourself for not finding this letter except in the office of the board of state charities, because the papers that you took away from the State House were burned in your warehouse in 1878. Why should you think to look among your files if you took no such thing as this away? A. I beg pardon of your Excellency; I have not excused myself on any point, and I do not. I have stated, very distinctly, I think, what I have officially done and said on this subject, and I have no excuse to offer.

Q. I am not upon that point, sir. You put before us that you could not look among your papers for this, because they were burned. A. The reason why I didn't look, when I wished the document, was that I knew the papers were destroyed. Then, again, if you will excuse me, your Excellency —

GOV. BUTLER. Well, I will this time, but I must stop somewhere.

THE WITNESS. If I were going to present an official communication in evidence to this committee, I should desire to present it in a document on file in some department of the government.

Q. But what you told us was, that these papers were gone, and therefore you came up here. Well, now, then, we have learned that the first letter, as this letter shows, addressed to you by the board of state charities, was dated March 23, 1876. And you say you did not institute an investigation, because one had already gone on — was already going on. That, we have learned, stopped on April 6, 1876; at least, we have got their report. Now, then, you didn't answer this letter until December 20, 1866. Sufficiently and legally answering the question? A. Yes, sir.

Q. Now, that official communication from the board of state charities made accusations against a number of the people in the almshouse; against old Mrs. Marsh, the matron, for stealing property of the dead and absconded people. You didn't,

either in this or in your report of what you investigated, — you didn't mention to them that you investigated it, did you? A. Well, the answer to that, your Excellency, is, that I went to Tewksbury to inspect the institution, and not to make an investigation, which the legislature had already done.

Q. But the legislature hadn't investigated this charge. The charges that they investigated were three or four.

Mr. BROWN. Five.

Gov. BUTLER. Yes, five ; but didn't include this one.

Q. You went there. Did you go because they requested you? A. No, sir ; not specially. That communication was among the reasons which made me take Tewksbury first in order.

Q. Then you didn't go on account of that? A. Not on account of that alone.

Q. Only you went there first on account of that. Did you inspect a single thing that they asked you to look into? A. I went there, and inspected the institution thoroughly.

Q. I understand what you say. You inspected it, even to the wiping of the dishes. A. Yes, sir.

Q. Very well ; but did you inspect or examine into a single thing which their communication called for? A. I make a distinction, your Excellency, between inspection and investigation. I did not go there to investigate charges against persons contained either in the communication to me from the board of state charities, or in the flying rumors about. I went there to satisfy myself of the condition of the institution at that time, leaving for other parties —

Q. What other parties? A. Namely, the legislature, that already had the subject in hand, to determine upon the merits or demerits of the charges.

Q. Ah ! but these charges, some of them, and the gravest ones, in my judgment, were not before the legislature. A. I wish to remind your Excellency, that the matters referred to in the letter of the board of state charities had been communicated to Governor Washburn.

Gov. BUTLER. Be it so.

The WITNESS. He was succeeded by Governor Talbot.

Gov. BUTLER. Be it so.

The WITNESS. And he was succeeded by Governor Gaston.

Gov. BUTLER. Be it so.

The WITNESS. And neither of these three of my immediate

predecessors had found it expedient to take any notice of them. They had that information before I had it.

Q. Precisely so. And all these governors, for the sake of the argument we will admit, hadn't done their duty, in the view of the board of state charities; and thereupon, the board of state charities renewed the application for you to go and do it; and you didn't. Now keep to this: did you look into a single thing that the board of state charities asked you to look into?

A. I don't intend to say that I investigated the charges that were sent by the board of state charities.

Q. Will you answer my question? A. No, sir; I will not answer it —.

Q. Pardon me; I think you will, if it is a proper question.

A. —Except in my own way.

Q. Now, I am not asking you what you intended to do. I am not asking you about any frame of mind that you were in, but I am asking you what you did do. Did you or did you not look into any one of the things which the board of state charities had officially brought to your attention and asked you to look into? I mean look into it so as to cover both inspection and investigation. And so that there shall be no mistake about it I will repeat the question: Did you look into one single thing, when you went there, that the board of state charities officially asked you to look into? Say yes or no. A. I don't know that they asked me to look into anything. I was not under the direction of the board of state charities. They were under my direction, partly.

Q. Pardon me; I didn't ask you that question. I asked you whether you did look into anything which they asked you to look into? A. In so far as they desired me to look into the condition of the institution at Tewksbury I did look into it thoroughly.

Q. Did they ask you to look into the condition? A. They reported to me certain facts in relation to the institution, that is, the almshouse at Tewksbury; and their communication which they sent to me had previously been sent to other governors. I didn't make any investigation of the charges because those were already investigated by the legislature.

Q. I must insist upon an answer; no evasion. A. There is no evasion.

Q. Then answer the question. A. Yes, sir; I am answering.

Q. Did you look into the things which they asked you to look into? A. Will you specify them, please?

Q. They are all in the letter. A. I have not the letter before me.

Q. Well, did you go there to look into any of these things they asked you to look into? A. I went there of my own volition to inspect the institution and satisfy myself of its condition, and I did so.

Q. And you did so? A. And I left the investigation of personal charges to the legislature.

Q. Well, but the legislature had then been adjourned some weeks, hadn't it? A. The committee had just made its investigation and had reported.

Q. Well, let us see; the letter was sent to you on the 23d of March [from the board of state charities]? A. Yes, sir.

Q. The committee of the legislature had made its report on the 6th of April, and they had adjourned, and you went there on the 23d of June. Those are the dates. Now, then, only a portion of those charges that the legislature had to deal with were in your letter, and many more. Now, then, did they ask you to look to see whether the pots and pans were clean? Was that one of their troubles? A. Well, sir, I wish to say that when I was in the executive office I did not take my directions as to how I should do things, or when I should do them, from anybody. I chose my own time and my own way of doing things.

Q. Exactly. Pardon me; I am only asking whether at your own time and in your own way you accomplished any object toward finding out the truth about the condition of that institution as brought to your attention by the board of state charities. A. I think I did, sir.

Q. In what? A. In the report of the legislative committee.

Q. In what? A. What is stated in my letter here.

Q. Well, let us see. That was nine months afterward. A. No, sir.

Q. Pretty near; over six? A. No, sir.

Q. Over six? A. The reply? Oh, yes, undoubtedly, but not the action.

Q. Now, then, we won't have what you thought about when you were writing your inaugural address in 1876 for the next

year, but we will have, if you please, what you did at the time. A. Yes, sir.

Q. Now, did they ask you to see whether the institution was clean or not? A. Your Excellency read the letter to the committee, and you are as well informed on that as I am.

Q. Oh, not at all. I read it casually, not officially. A. Whether they did or not, your Excellency, I examined the almshouse as you would, on your own methods.

Q. I wish you would leave that out; I want to know what was done. A. I wish you would leave your question out.

Q. I have no doubt you do sir; but I want to get the points in my mind before you, and see if I can get an answer. A. I have it clearly before me.

Q. If you have I can make but one deduction. The point I want to get at is this: here was a supervisory board of the State, making a report to you that in their judgment and belief, upon the evidence furnished to them, that the matron had stolen the clothing of the inmates, that the assistant superintendent was a libertine, that one of the inmates had been killed by cruel treatment, that the system of ventilation was so bad as to be mephitic, that there had been gross nepotism, and that the whole Marsh family, including the superintendent, ought to be removed. That was the substance of the charges. Now, then, into any one of these inquiries to which your attention was directed did you make any inspection or investigation? — Ah, there is one I left out — and that the doctress had killed seven or eight people; one of the Marsh family. Now, into any one of those things did you look or inquire when you went there? A. In regard to any criminal charges that are contained in the letter there, they had been the subject of investigation by the legislature.

Q. No, they had not. A. I went there for the purpose of investigating the charges against local officers or inspectors.

Q. Then you never attempted to look into or remedy any of the things which were then charged by the board of state charities? A. Your Excellency will pardon me; I not only did that, but I recommended the abolition of the entire system of the board of state charities, inspectors and everybody else, and that the whole matter should be reorganized; and that was done.

Q. Don't hurry about that. Perhaps we shall find it was not done. But in the meantime you left it all just as it was, except that you thought that the old lady and Helen, the aunt, who was

a cook, had better be left out of the administration up there?

A. Three members of the family of the superintendent retired, a new physician was appointed, and a change was made in the board of inspectors.

Q. That was made by law; because the law was changed.

A. With regard to the physician?

Q. No; with regard to the others. Three; which three were they? A. I cannot tell you their names, sir.

Q. Pardon me; you didn't tell us there were more than two when you spoke about it before. A. I was not certain about those; the only one I felt quite certain about was the physician.

Q. Now, then, when you came to make your letter to the board of state charities which you have read, that was dated about the time when you were making your inaugural address for 1877, from which you have read to us, was it not? A. It must have been; yes, sir.

Q. Yes; about the same time. And in your inaugural address you recommended that the board be abolished, and not the superintendency of Tewksbury. So that the result was that the board's complaints were never looked into, but you recommended their abolition after they made complaint. That was so, was it not? A. I think those documents tell the story, sir.

Q. Well, the documents—I want to know about that. Now, then, you didn't examine the complaints of this board of state charities at all; but the official act you did about it was to recommend the abolition of the board? A. That is a gratuitous conclusion of your Excellency's.

Q. What? A. That is a gratuitous conclusion of your Excellency's.

Q. Pardon me; let us see if it is a gratuitous conclusion. Tell me any official act you did about these complaints until you recommended in your address that the board should be abolished. A. I have already stated that I went to Tewksbury and inspected the institution there as I did the others; but the matter of investigating charges was left to the legislature. I wish to make that distinction.

Q. You have told that, I should think, ten times, and you need not tell it again as far as I am concerned. If you think it is necessary for you to tell it— A. I should like the opportunity to tell it.

Q. Now, then, tell me the official act you did about those charges, except to recommend that the board who made them should be dissolved. A. I acted upon the report of the legislature.

Q. What was the act? A. The act?

Q. Yes. A. The act was the retirement of three members of Mr. Marsh's family, the displacement of one of the inspectors, the appointment of a new physician, and perhaps, some others.

Q. That was not on account of the charges. A. Those are the charges.

Q. Won't you understand my question and answer it, if you can understand and answer it. What official act did you do about those charges except to recommend the removal of the board that made them? A. I acted upon those charges in connection with other rumors and other information in such manner as seemed to me was demanded by the welfare of the Commonwealth and the welfare of the institution concerned.

Q. That is a generalization again. You told us you didn't do anything about those charges up there when you inspected? A. No.

Q. Now, then, there was not anything done on the inspection? Now, then, what act did you do about those charges? There was no charge against the inspectors? A. They were among the causes that led me to recommend the reorganization of the whole system.

Q. Precisely so. Then I get it. Then, without examination of the charges, into the truth or falsity of the charges, made by the board of state charities, you allowed them to be among the reasons why you should abolish the board? A. No. The statement of the board of state charities was on one hand; the statement of the report of the legislative committee was on another hand. Then I had information from various sources. I didn't act upon any one of these specifically in detail. I made my own judgment of what my official duty was.

Q. Now, then, the legislature of that year didn't follow your recommendations, did they? They didn't abolish anybody? A. In 1877?

Q. Yes. A. They appointed a commission.

Q. To revise the law? A. And to recommend a new system.

Q. Principally they appointed a commission? A. They appointed a commission.

Q. And that commission reported, as you was kind enough to read to us, that all the boards of trustees of these several institutions should be abolished? A. Those that they enumerated.

Q. Well, that was all of them; to put the thing under one head. That was not done by that legislature — by the next legislature? A. That committee, your Excellency, reported to the next legislature.

Q. I know; to the legislature of 1878. And the legislature of 1878 didn't do it. Now, then, was there anything done in 1879, to your knowledge, except to abolish the board of state charities? A. That is a matter of record which your Excellency has access to as well as I.

Q. Precisely; but I want to get your mind upon it, your remembrance. Do you remember anything that was done? Did they abolish a single board of inspection, a single board of prison commissioners, a single board of lunatic hospital trustees, a single reformatory board of any description, except the board of state charities who had complained of the Marshes? A. I am not responsible for anything they did or did not do in 1879.

Q. I am not asking about your responsibility; I am only asking the act. A. I should have to appeal to the records and see before I could answer.

Q. You don't know of anything they did about that, do you? A. I didn't feel the responsibility about it, and I don't remember precisely.

Q. You don't remember. Well now, then, you say you examined this institution as you did the other institutions? A. Yes, sir.

Q. And no other in a different way? A. Except the nature of the institution in some cases might have required some little variation in detail.

Q. Except what was necessary to look into an insane department when they had one; you would not look into one where they hadn't one, of course? A. Precisely.

Q. In no other way. Now, was there any such charges as these brought by the board of state charities against any other institution, to your knowledge, to your remembrance? A. I don't recall any, sir.

Q. Now, then, did you appoint Mr. Spalding a trustee? A. I think I did. He was appointed inspector under the old system, I think.

Q. You never were under the new system? A. No, sir.

Q. Therefore he must have been under the old system. That is to say, when an inspector's time expired, you appointed another? A. Yes, sir.

Q. And we have now the entire reforms which you instituted, so far as you remember, in the matter of the State charitable or reformatory institutions during the time of your incumbency, haven't we? A. I am not responsible for the —

Q. I am not asking you that. Pardon me. Good Lord! What makes you think that you are all the time? What I am asking you all the time is if this is all you did? A. I made various inspections.

Q. What? A. In following years I made inspection of the institutions.

Q. But this first time was not a reform, it was an inspection. And just there it puts me in mind of this question: How do you know that your telegram was not received until an hour before you got there? You took care to notify them that you were coming. How do you know it was not received? A. Would you like to know why I notified them.

Q. I am asking now about the reception? A. That was the statement made at the almshouse.

Q. Who made that statement? A. It was made at the almshouse.

Q. They said it had not been received; that is all that you know about? Now was not you expressly asked in this letter, "Don't let them know that you are coming, because they will clean up?" A. In the letter of the board?

Q. Yes. A. I don't remember that, sir. It would have made no difference.

Q. Undoubtedly it would have made no difference. I can understand that; you would have notified them all the same. But didn't they ask you not to? A. Your Excellency seems to suppose that I was the instrument and servant of the board of state charities to do their bidding when and how they should say.

Q. Oh, no; oh, no. A. If the board of state charities had ordered me to go I should have point blank refused.

Q. Certainly, just as when they order me to sign a warrant I shall point blank refuse to do it? A. Precisely.

Q. There need not be any difficulty on that subject. A. There are certain prerogatives that belong to the executive office.

Q. Certainly; and we will take care of them, both of us. But this is the difference. If they should say: "Now when you go to inspect there they are in the habit of cleaning up whenever they find out you are coming; you had better not notify them,"—whether that would be a kindly suggestion if you wanted to find out the truth of the charges? I should suppose you would have been very likely to have adopted it. It is not an order, it is a suggestion. A. I see the thought in your Excellency's mind and I will answer the question frankly, if you will permit me.

Q. Certainly. A. I had never seen Mr. Marsh nor any member of his family to my knowledge before I went to Tewksbury. I had heard these rumors; and I said to my private secretary on that afternoon before we went up there: "I wish you would telegraph to Tewksbury late this afternoon that the governor and council will be there tomorrow morning. The purpose of doing that was twofold. One was that the notice should be so late that they should not have time to change the ordinary condition of the institution and should see it in its ordinary state; the second one was to notify Mr. Marsh so that he should be there and not be absent from the institution when we arrived. That is the whole of it, sir.

Q. Precisely. And as it was so late in the afternoon even if he had got it he could not have got it so as to be there? That would have been so too! Now, was it not known and published in the newspapers that the governor and council were going to make up their inspection? A. I don't think that was possible.

Q. Why not? A. Because no notice was given about it until very late in the afternoon.

Q. Did you go up there in the afternoon of a council day or the morning next after a council meeting? A. I could not say that, Governor, without referring to the record.

Q. Well, did you look to see—was there a dinner prepared for you—a lunch? A. There was a lunch prepared after we got there, but no dinner.

Q. How do you know that? Did you see it prepared? A. I saw the room in which it was served before where we lunched.

Gov. BUTLER. Undoubtedly.

The WITNESS. There was no sign of preparation.

Q. The table was not laid from eight o'clock until two. I should suppose. Well, if I understand you, you asked the inmates—talked with the inmates there. Am I right? A. No lengthy conversation; I spoke with them as I passed through.

Q. Then, as you were not investigating the charges you did not have any conversation with them about that? A. I asked them if they were comfortable, if they had plenty of food, etc.,—the ordinary questions such as your Excellency would ask if you were visiting such a place.

Q. Now, if you will have the kindness to leave that out I would like it; because I should not have asked any such thing in that way if I had been investigating, for I should have expected to get the same answer that you did. I never knew a man to complain to me when the man that had him in his power stood over him. I generally take him one side. Well, then, you were investigating a little into complaints? A. No.

Q. But you were asking them if they had any to make? A. No.

Q. Then, instead of asking them if they had any complaint to make, or investigating them, you didn't get any? A. I asked them the ordinary questions. If they had had any complaints to make they had opportunity to make them.

Q. Yes, but you didn't tell them so, did you? A. I cannot say that I did.

Gov. BUTLER. I don't think of any other question to ask you until I look into the state of the records below.

TESTIMONY OF MIRIAM P. BOWEN (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Miriam P.

Q. Miriam P. Bowen? A. Yes, sir.

Q. You were the wife of William V. Bowen, who lived in Chelsea? A. Yes, sir.

Q. When were you married to Mr. Bowen? A. Forty-nine years ago last October.

Q. Last when? A. Last October.

Q. Did he ever have any other wife? A. No, sir.

Q. When did he die? A. He died six years ago the thirteenth of April.

Q. Did you ever have any other husband? A. No, sir.

Q. How many children did you have? A. I never had a child of my own.

Q. How many did you adopt? A. One.

Q. What was the name of that child? A. Eva May Gordon.

Q. Where was she when you adopted her? A. In Portland.

Q. In Portland, Maine? A. Yes, sir.

Q. Did you change her name when she was adopted? A. Yes, sir.

Q. What name did you give her on the occasion of her adoption? A. Mary Eva Bowen.

Q. Mary Eva Bowen? A. Yes, sir.

Mr. BROWN. I want to say, Mr. Chairman, that I am unable to get any record of that adoption, and the reason assigned is that the records of that were all destroyed by the great fire at Portland.

The CHAIRMAN. In 1866?

Mr. BROWN. In July, 1866.

Q. How old was Eva Mary Gordon when you took her for adoption? A. She was two years old in February before she was adopted; I think she was three years old.

Gov. BUTLER. Perhaps she can tell what year.

Q. What year was that? A. Well, I don't know as I can answer that correctly.

Q. When did your husband come to Boston, or to Chelsea, or to Newton; when did he come to Massachusetts first? Can you recollect that year? A. I don't think I can.

Q. Well, with reference to the Portland fire, can you tell whether it was before or after? A. The fire was while we were in Chelsea.

Q. While you were in Chelsea? A. No, sir; while we were in Newton.

Q. So that you came before the Portland fire to Newton? A. Yes, sir; we did.

Q. When you first came to Massachusetts you moved to Newton, did you? A. Yes, sir.

Q. Then you moved to Chelsea? A. Yes, sir.

Q. And you lived in Chelsea when your husband died, did you? A. Yes, sir.

Q. So that when you left Portland the fire had not taken place? What was called the great fire? A. No, sir.

Q. How many children did you raise beside this Mary Eva Bowen? A. Well, I had a niece live with me from the time she was ten years old until she was married. She was married when she was twenty-one. And I had another niece that lived with me from the time she was five years old, — with me now.

Q. Any others? A. Well, we had several live with us five or six years.

Q. Taken when they were children? A. Well, from twelve to thirteen.

Q. But none of them were adopted except this one? A. No, sir.

Q. That is, you didn't go through any form of law? A. No, sir; not any form of law.

Mr. BROWN. No change of name.

Gov. BUTLER. Were these four or five her relatives?

Q. Were they all your relatives that you took besides this Mary Eva Bowen? A. Two of them. My oldest brother's youngest child was given to me when he died, and my oldest sister's child, ten years old, was given to me.

Q. The other two, were they relatives of yours? A. No, sir.

Gov. BUTLER. Or of Mr. Bowen?

Q. Or of Mr. Bowen? A. No, sir, neither.

Q. Now, when did Mary Eva Bowen first leave her home after you moved to Chelsea? A. I think it was in October.

Q. What year? I think it was six years ago last October.

Gov. BUTLER. Ask her how long it was before she had the baby.

Q. Well, how long was it when she left home, — how long was that before she had a child in Oak Place? A. In February; I think she left in October.

Q. You think she left in October? A. I think so; I am not certain.

Q. Did she leave home with your consent? A. No, sir.

Q. Did you know when she left? A. No, sir.

Q. Did she leave in the daytime or in the nighttime? A. In the daytime,

Q. How long was she absent before you knew anything about her? A. I think it was a week, but I am not certain.

Q. Do you now recall whom you employed, if anybody, to look her up? A. I think my husband had a letter from a law student from Cambridge, telling him where she was; sent her picture in a letter.

Q. Do you recollect Mrs. Pearson in that connection? A. Mrs. Pearson was employed after we found where she was.

Q. Now, did she come to your home after she left, and before she had the child? A. No, sir; not to my knowledge.

Q. Did not return? A. No, sir.

Q. During the months from October until the birth of the child on the 26th of March, 1875, she didn't come to your house? A. No, sir, not to my knowledge.

Q. Did you visit here at Oak Place where she was for the purposes of confinement? A. I did, sir.

Q. How many times? A. I was there twice.

Q. What, if anything, did you do for her comfort while she was there? A. Well, I made her things.

Q. Such as what? A. Such as clothes.

Q. Clothes for the baby? A. Yes, sir.

Q. Did you make them with your own hands? A. I did, sir.

Q. What did you make? A. I could not tell exactly.

Q. You made everything you thought was necessary for the comfort of the child and the mother? For the comfort of the child and the mother too.

Q. Now, after the birth of the child, did she come to your house in Chelsea? A. No, sir.

Q. Do you recollect when she was sent to Dedham? A. She was sent to Dedham from Oak Place when the child was four weeks old.

Q. Did you visit her at Dedham? A. No, sir.

Q. Did you know when she went to Tewksbury? A. No, sir.

Q. Did you visit her at Tewksbury? A. No, sir.

Q. Now, Mrs. Bowen, at Oak Place when you visited her, did she complain at any time that she was afflicted with a venereal disease? A. She was sick at the time I went to visit her; I don't know what the matter was with her. The matron said she was sick, and wanted some medicine.

Gov. BUTLER. Leave out what the matron told you.

Mr. BROWN. Confine yourself to what she said. State fully what she said to you.

The WITNESS. She didn't complain of anything, only her limbs were swollen.

Q. What limbs? A. Her arms.

Q. Do you know whether her ankles and legs were swollen?

A. I don't know that they were.

Q. Was her face swollen? A. I think it was, sir.

Q. Do you recollect whether her face had blotches on it?

A. I don't know.

Q. Sores of any kind? A. No.

Q. Did you examine her arms? A. Yes, sir.

Q. What did you see? A. Swollen. I think there was a red spot on one of her arms.

Q. Do you recollect which arm it was? A. No; I do not.

Q. Were her arms bandaged at any time when you saw her?

A. I don't recollect as they were.

Q. Since she left Tewksbury, or after she left Tewksbury, do you recollect whether she went to Dedham again? A. Yes, sir. She had the promise of being carried back. She was carried from that institution, and they told her when she got well she should come back.

Q. Now, after that, did she ever visit your house after she left Tewksbury? A. I think she was there once. I was not at home. I was in the Provinces. I went to visit a sick nephew, and I was not at home. I think she was there once a short time. I don't know how long; I couldn't tell you.

Q. Well, was that after she left Tewksbury? A. I think it was. I think it was while she was at Grove —

Gov. BUTLER. The Consumptives' Home.

Q. At Grove Hall? A. Yes, sir; I think so; I am not sure, but I think so; I was absent at the time.

Q. Mrs. Bowen, what was her reputation for truth and veracity? A. It was bad, sir.

Q. Was it ever good, within your knowledge? A. No, sir; I don't think it ever was.

Q. Mrs. Bowen, did you ever do an unkind act yourself to Eva Bowen, within your knowledge? A. No, sir; I have no knowledge of treating her in that way.

Q. Do you know whether you ever spoke of her unkindly?

A. I don't recollect that I ever did.

Gov. BUTLER. The answer was what?

Mr. BROWN. I didn't wait for her to answer, because I thought you objected.

Gov. BUTLER. Oh, no; I wanted her to speak louder.

Mr. BROWN. What was the answer to the last question, Mr. Reporter?

[The stenographer read the question last put, and the answer of the witness to it.]

Q. Did you ever try to influence your husband to disinherit her? A. No, sir; never.

Q. At the time of your husband's death did you know where she was? A. No, sir.

Q. Did he know where she was, within your knowledge? A. I think that he had a letter from the doctor that she went away from the home, Grove Place.

Q. Grove Hall? A. Grove Hall; as near as I can recollect, he went to see her on Friday; and Saturday night, when they were at prayers, she ran away.

Q. That is the last information that he received, as you understand it? A. Yes, sir.

Q. And, so far as you know, he never heard from her after that, did he; or, did he? A. I don't know that he ever did.

Mr. BROWN. (To Gov. BUTLER.) Your witness.

Cross-examination by Gov. Butler.

Q. When did your husband die? A. He died six years ago last April, the thirteenth.

Q. What time in April? A. The thirteenth.

Q. The thirteenth of April, that would be in April, 1877. wouldn't it? April, 1877, do you mean? He has been dead six years, has he? A. Yes, sir.

Q. That would be in 1877, April, 1877; what day of April, can you tell me? A. The thirteenth.

Q. What day was his will dated? A. I don't recollect, sir.

Q. Well, about what day? A. Well, I think it was either in February or March; I don't know which.

Q. Previous? A. Yes, sir.

Q. That is, the last will? A. Yes, sir.

Q. And had he a previous will? A. I think he had, sir; but I don't know for certain.

Q. Did he ever tell you what was in it? A. Never.

Q. Do you know what was in the last one? A. No, sir; never knew till it was opened after he died.

Q. Had he one before that, had he two, — did he make three? A. I don't know, sir, for a certainty; I think he had a will when we lived in Portland, but I am not certain.

Q. And he had a will made before the last one, which you think was made in March; he died very suddenly, didn't he? A. Yes, sir; he died instantly.

Q. Was Eva your choice or his for adoption? A. It was mutual.

Q. What? A. Mutual; we both agreed.

Q. You agreed to it at last; but who started it? A. Well, I don't know; I started it as much as my husband; she was recommended by a neighbor of ours to him.

Q. Down in Portland? A. Yes, sir.

Q. The Portland fire was in 1866; how long before that was she adopted? A. I can't tell exactly how long it was, but it was while we were in Portland.

Q. While you were in Portland? A. Yes, sir.

Q. And you moved there after the fire? A. Chelsea?

Q. To Newton? A. To Newton; yes, sir.

Q. To Newton after the fire.

Mr. BROWN. She said she lived in Newton before the fire took place.

Gov. BUTLER. Yes, sir.

Q. So you were living there. Now, how old was Eva at the time she had her child, if you know? A. I think that she was sixteen in February, and her child was born in March.

Q. Sixteen in February? A. Yes, sir.

Q. And she left your house sometime the October previous? A. Yes, sir.

Q. Did you bring her up well? A. Well, to the best of my knowledge; I tried every way, —

Q. I have no doubt. A. In my power.

Q. You took her to Sunday school? A. Yes, sir.

Q. And to other schools? A. Yes, sir.

Q. And she played with the children in your neighborhood? A. Yes, sir.

Q. And you gave her good religious instruction? A. Yes, sir.

Q. And that, I suppose, continued up to the time she left

you? A. Well, she left the Sabbath school; she didn't go to Sabbath school.

Q. How? A. She didn't go to Sabbath school for some time before.

Q. About how long? A. Well, I think it was during the summer.

Q. During the summer she quit her Sabbath school? A. Yes, sir.

Q. There seems to me, from the birth of her child in March following, some reason for it. Up to that time she had been a faithful attendant upon the Sabbath school. Now, tell me, madam, the first person that you ever heard say that her character for truth and veracity was bad. Who was the first person you ever heard say that? A. Well, I don't know as I could tell you the first person.

Q. Well, who was the first person that you remember did say so? A. Oh, well, my girls who lived in the house.

Q. The girls who lived in the house? A. Yes, sir; and I knew it myself.

Q. Leave out what you knew; we will come to that in time. Your girls who lived in your house, — and they complained of her telling lies about them, I suppose? A. No, sir.

Q. What did they complain she lied about? A. I could not tell you.

Q. Can you tell me anything they complained she lied about? Who next is the person that you, — how long ago was that, or how old was she: about three years old? A. No, sir; a good deal older than that.

Q. How old was she when that was first told you, that you can remember? A. I can't tell you how old she was.

Q. Well, about how old? Nine, ten, twelve, fifteen? A. When she was nine or ten years old.

Q. Did you do anything about those tales, — what did you do about those tales that they told you? A. I tried to reason with her, and tell her the evil of being so untruthful; tried to talk with her.

Q. Well, now, what did she tell you untruths about, the child? A. She would say she went to a place where she never went.

Q. More than once? A. Yes, sir.

Q. Such a place as what? A. Well, such places as we would have in our church.

Q. What? A. Places where we met in our church? I would send her to the place and she would not go there at all.

Q. That is to say, you send her to some church gathering and she didn't go? A. No, sir.

Q. And you found it out and you asked her. A. Yes, sir.

Q. And found out —? A. That she didn't go.

Q. That she didn't go? A. Yes.

Q. Well, did she go to the Art School. A. She did.

Q. Did she go to her music lessons? A. She took music lessons.

Q. And she was a very fine writer? A. Yes, sir.

Q. A beautiful writer? A. Yes, sir.

Q. And a very accomplished young lady for her age, wasn't she? A. Yes, sir; very.

Q. And her father was very fond of her? A. Yes, sir.

Q. As fond as he would be of his own child, and perhaps a little more? A. I don't know as he was any more fond of her than he was of the other children, — the same.

Q. Well, what other children had he? A. Those children that we brought up, sir.

Q. Not any more fond of her than your nieces? A. No.

Q. Did you bring up any besides your two nieces? A. No, sir.

Q. He was fond enough to adopt this one; he never was fond enough to adopt the others, was he? A. No.

Q. He made this one his heir by adoption; he never made any of your people heirs to anything, did he? A. He willed it in his will.

Q. Till he made his last will, yes; very well. Now, about that will; when did you hear Mr. Bowen first speak unkindly of Eva, if he ever did. A. Well, sir, when he tried to correct her at one time.

Q. When was that? A. Well, that was when she was, — I don't think she was over eight years old.

Q. He spoke unkindly of her in attempting to correct her? A. Yes.

Q. But he loved her after that, because he gave her all these privileges? A. Yes, sir.

Q. When did he ever speak unkindly of her? What I mean is, to show that he had lost his love for her, so that he would

he willing to poison her, for instance? A. I don't think he ever did, sir.

Q. He never did. Did he ever speak unkindly of her, because we can't tell what would be the effect of unkind thoughts?

A. Well, he said he didn't know what he should do with her, she was so high tempered.

Q. So high tempered? A. Yes, sir.

Q. So high tempered he didn't know what he should with her? A. And she was disobedient.

Q. Doesn't it often happen, after all, that a disobedient child is apt to be loved almost as much as an obedient one? Did this disobedience change his mind toward her so he came to dislike her? A. No, sir; I don't think it did.

Q. He always used to speak of her with tears in his eyes, didn't he; of her troubles? A. He always spoke of her very kindly.

Q. Down to the very last? A. Yes, sir.

Q. Did he die in church? A. He did, sir.

Q. He was speaking of prodigal children, wasn't he, at that time? A. Yes, sir.

Q. And with tears in his eyes? A. Yes, sir.

Q. When did you first learn that he had disinherited her, or thought of it? A. Well, I think there was a detective came to our house sometime during the winter before he died and told him that he had come to tell him where she was.

Q. Then he did know; I thought I should get that. He did tell him? A. Yes, sir.

Q. What time during the winter was that? A. Well, I could not tell you.

Q. Were you present? A. No, sir; I didn't know who came to the door; he rang the bell; I knew nothing about it.

Q. I understand; after he came to the door and rang the bell, were you then present? A. He didn't come in, the detective didn't.

Q. Didn't come in? A. When my husband came in he told me.

Q. Did your husband go to the door? A. Yes, sir.

Q. Do you know who the detective was? A. I do not.

Q. A detective came there and told your husband something. What, I don't ask; didn't he tell you anything? A. The detective?

Q. Yes. A. I didn't see him, sir.

Q. Didn't see him? A. No, sir.

Q. Did you know your husband had a detective out? A. No, sir; hadn't any?

Q. Hadn't any? A. No, sir; he was sent by a party.

Q. What? A. He was sent; some one sent him.

Q. Some one sent the detective? A. Yes, sir.

Q. Do you know who that one was? A. No, sir.

Q. It was not that old woman we had here testifying the other day, was it? A. No, sir; I think not.

Q. Don't know who it was at all? A. No, sir; I know what my husband told me that he told him; that I know.

Q. But you don't know anything except what he said? A. No.

Q. Did your husband then say he would disinherit her. A. He told me he never wanted to see her or hear from her again.

Q. Never wanted to see her or hear from her again? A. Yes, sir; that is what he told me when he came in.

Q. What he told you? A. Yes.

Q. That he never wanted to see her or hear from her again? A. Yes, sir.

Q. Did your husband ever tell you who the father of this child was? A. My husband?

Q. Yes. A. The child's uncle came down to our house at the time in Portland.

Q. No, I don't mean that; I mean the subsequent generation; this child of Eva's? A. Oh, this child of Eva's.

Q. Yes. A. I don't think my husband knew.

Q. I don't suppose he did, certainly; but didn't he go to see somebody about it? A. Eva told us the father of the child lived in South Boston.

Q. I don't ask you what Eva told you; I ask you whether you went, — your husband went to see a man? A. He went.

Q. He went? A. Where she said, and there was no such man there.

Q. You have got it in, I see, but it don't do any harm. Did your husband ever tell you whether he did see a man whom he supposed was the father of the child? A. No, sir.

Q. Never did? A. No, sir.

Q. He was not as confidential with you, then, as he was with this missionary woman in Chelsea? A. I don't know.

Q. Didn't this missionary woman tell you about it? A. She did since I came up here.

Q. She did since you came up here? A. Yes.

Q. Did she tell you the name? I don't ask what it was this moment, but did she tell you the name? A. No, sir.

Q. What? A. No, sir.

Q. She did not? A. No, sir; she did not.

Q. Tell you why she didn't? A. I don't think she knew his name.

Q. Did she say your husband told her what the name was? A. I think not.

Q. Did she say he did not or did, which? A. I don't know.

Q. You don't know. Didn't your husband tell you it was a man of influence and standing? A. No, sir; my husband never told me.

Q. Never said anything on that subject? A. No, sir.

Q. Did your husband ever say anything about this man having influence over her? A. The man that wrote him where she was, the house he found her?

Q. No! oh, no; not that man. A. That is all the man I know anything about.

Q. Well, but pardon me, did your husband ever tell you who he supposed, and had been informed, was the father of this child of this daughter's? A. Never.

Q. Never? A. No.

Q. Never told you anything about it? A. No, sir.

Q. Never told you he had seen a man who he supposed was the father of this child? A. No, sir.

Q. Never told you that? A. No.

Q. Did you know that he told that woman of that; did she ever tell you till you came up here? A. I don't think she ever did, sir; for I never had any conversation with any one.

Q. Oh, well, but didn't you have any conversation with her? A. Not on that subject.

Q. Not on that subject? A. No.

Q. She has testified here she was employed as a sort of detective to go and hunt up this child and find it, and she did go and find it in a certain place. Now, you have told us that you have found it, because a law student in Cambridge wrote where she was; that was so, wasn't it? A. Yes, sir.

Q. And where was that, what street was it on that the law student said the child was? A. I could not tell.

Q. What? A. I don't know.

Q. Don't know? A. No.

Q. Well, her father never talked with you much about her, then, after she went away? A. Yes; he did talk with me about her.

Q. What? A. Same as any other parent would.

Q. I don't know; I should suppose that if the father had found out who the father of an illegitimate child of his daughter was, any other parent would have been likely to have talked to the mother about it, not to women out in the street. A. Well; he never did.

Q. Unless there was more than usual intimacy between them. How soon after that did he make the will, — when this man came to the door, this detective that he didn't employ, whom somebody sent to him, — how soon after that did he make his will? A. I don't know, sir; I could not tell you, I am sure.

Q. Where was the will made? A. In Boston.

Q. Who witnessed it? A. I could not tell you.

Q. Have you got a copy? A. Yes.

Q. What? A. I have.

Q. Here? A. No, sir.

Q. Where is it? A. It is in Maine.

Q. In Maine? A. At home.

Q. I suppose you know who the property was left to, don't you? A. Yes, sir.

Q. Left to you? A. Yes, sir.

Q. The whole of it? A. All excepting what was willed to different individuals.

Q. All except what was willed to different individuals; Eva was cut off with \$25, wasn't she? A. That was what he willed her.

Q. Willed her \$25? A. Yes, sir.

Q. Yes; and he willed how much to one of your nieces? A. One, \$50.

Q. What? A. One was willed \$50.

Q. Willed \$50. A. And the other one thousand.

Q. One fifty and one one thousand; anybody else willed to? A. I think not, sir.

Q. And all the rest went to you? A. Yes, sir.

Q. In the meantime you never had had a word of conversation about that will? A. Not a word, sir; never.

Q. Nor any other will? A. No, sir; nor about any other will.

Q. Here he had a wife of forty-nine years' standing, — not quite that time; three or four years' standing, — and he had no children at all; he had one disobedient one that he loved very much, and died, with tears in his eyes, speaking about prodigal children; and he never spoke to you of her at all in relation to the will? A. No, sir; never mentioned.

Q. Never in the world? A. No, sir; nor I to him.

Q. Nor you to him? A. Never.

Q. There wasn't confidence enough between you so that you ever spoke together upon that sort of subject? A. I never mentioned the will.

Q. But, luckily for you, he cut her off with \$25. Did you ever send to her? A. Did what, sir?

Q. Did you ever send to her? A. What was willed to her?

Q. Did you ever send anything to her? A. Oh, yes, sir; I sent her things when she was in the home.

Q. After she left the Oak Street Home, did you ever send her any comfort whatever of any description? A. No, sir; I never did.

Q. Never did? A. No, sir.

Q. Did you ever send her any note while she was at Tewksbury? A. No, sir.

Q. Did you ever write to her anywhere? A. I did not.

Q. Did you write to anybody about her? A. I did not.

Q. Did you take any care or interest in her, whether she was alive or dead, after she was at Oak Street? A. I did, sir.

Q. What? A. I did.

Q. What? A. And my husband cared for her.

Q. Your husband, I know; he cared for her and done for her? A. Yes, sir.

Q. And did for her at last by taking away all the property and giving it to you; but did you do anything, and, if so, tell me what you did? A. Well, she was given up, sir; she was given up. When she was at —

Q. When she was at Oak Street? A. When she went from there.

Q. When she went from there she was given up? A. Yes, sir.

Q. Let us see about that ; then, she was given up by both father and mother? A. Yes, sir.

Q. You sure about that, are you? A. I think so.

Q. Don't you know? A. I know.

Q. Here is a loved child, you were grieved about her troubles ; don't you know when you gave her up? A. I certainly do.

Q. When did you give her up? A. I gave her up when she went to Dedham.

Q. When she went to Dedham? A. She was going to Lancaster, but they objected on account of her child.

Q. Well, after the time she left Oak Street was the time you went and complained of her as a disobedient child ; you hadn't given her up then, had you ; if you claimed authority over her, you were going to testify? A. After she was given up?

Q. When she was given up. A. She was given up, sir, at that time.

Q. Given up to what? What do you mean by given up? A. The authorities ; they had authority to send her where they sent her.

Q. I know they had authority. — no, they didn't ; but we won't go into that question of law. She was sent to Dedham, but they had no more right to send her there than they had to heaven, and we can't find, — what judge was it that went through this performance? You must know. A. I do not know.

Q. Where was it? A. It was in a court-room ; I can't tell you what street.

Q. Where was the court-room? A. That I can't say.

Q. How big was the court-room? Wa'n't it an office? A. I don't know.

Q. Don't you know whether it was in an office or not? A. It might have been a police office ; I can't say.

Q. Might have been a police office for all I know ; what made you say it was in a court-room? A. The judge was there.

Q. How do you know it was a judge? A. I supposed he was.

Q. You supposed he was a judge? A. Yes, sir.

Q. But he was in somebody's office ; and did he make an order sending her to Dedham? A. I don't know, sir.

Q. ' You don't know? A. No.

Q. You were there, weren't you? A. Yes, sir.

Q. Don't you know whether he made any order sending her to Dedham; at any rate, she was sent to Dedham? Now, by giving up, do you mean the father gave her up? A. He did, I suppose; I suppose he did.

Q. He did? A. Yes, sir.

Q. Then you had no more care of her from that time, did you? A. No, sir.

Q. She might go to the bad, for all you, or to the good, for all you, after that? A. I think she went to the bad.

Q. Undoubtedly; you say she went to the bad; I have no doubt of that. I am only trying whether you sent her to the bad; that is what I am after, — this loving mother of hers. A. I never sent her to anything that was bad.

Q. Pardon me; you let her go to the bad, didn't you; you gave her up? A. I gave her up to those that I thought, perhaps, might be the means of reforming her.

Q. You gave her up; from that hour did you ever send anything to her? A. No, sir.

Q. Did you ever go to see her? A. I never did, sir.

Q. Did you ever make any inquiry of any authority about her? A. I did, sir.

Q. Who? A. My husband.

Q. Leaving out your husband; ever inquire of anybody else? A. No, sir.

Q. How long after that did she go to Tewksbury? A. I don't recollect, because I was away from home when she was carried there.

Q. Where were you? A. I was in the Provinces.

Q. That is what you call home? A. Down in the Provinces?

Q. Yes. A. No, sir; I was in the city of Woodstock, New Brunswick.

Q. How long were you there? A. I was there some six weeks.

Q. Well, there was a good deal of time between these six weeks, from some time in July, 1876, up to the time before your husband died, and since; have you ever, from that time, — leave out your husband, — made a single inquiry about Eva up to the day, up to the time you were sent for to come here, — up to the time she appeared on the stand, and, if so, of whom?

A. No, sir; I don't think I made any inquiry after she ran away.

Q. In Boston? A. Yes.

Q. Pardon me; she didn't run away the last time she went; she ran away and was caught and brought back and put in the Oak Street Home, and taken from there and sent to Dedham. Now, madam, tell me whether you gave any notice to her of her father's death? A. No, sir; I did not.

Q. Did not? A. No, sir; I didn't know where she was; nothing about her.

Q. Who did you inquire of? A. Didn't know who to inquire of.

Q. You didn't make any inquiry whatever? A. No, sir.

Q. Well, did you give any notice of the will to her, of the provisions of the will? A. I did not.

Q. Make any inquiry where she was to give her that notice? A. No, sir; I made no inquiry; didn't know who to inquire of.

Q. Didn't know who to inquire of? A. No, sir.

Q. Now, madam, don't you know that her father furnished her with comforts while she was at Dedham and Tewksbury?

A. He did.

Q. What? A. I knew he sent her things.

Q. At Tewksbury? A. Yes, sir.

Q. What? A. No, sir.

Q. You stopped at Oak Street? A. Yes, sir.

Q. Now, I am talking about Tewksbury; did you send her anything at Tewksbury? A. No, sir.

Q. You have told us that over and over again; but now, don't you know that the father sent her things? A. At Tewksbury?

Q. Yes. A. No, sir.

Q. Sent her money; didn't he ever tell you he did? A. No, sir.

Q. Don't you know he sent her things at Dedham? A. Yes, sir.

Q. You knew that? A. Yes.

Q. Money? A. I don't know he did.

Q. You knew he sent her something? A. Yes, sir.

Q. Don't you know he got her put into the Consumptives Home? A. Yes, sir.

Q. And he had care of her up to that time. Now, madam,

didn't he pay her board at Dedham, or pay her expenses? A. I do not know.

Q. Didn't he tell you he did? A. I don't recollect it.

Q. Don't know whether he did or not; did he at Tewksbury?

A. I think not.

Q. What makes you think not; do you know? A. I don't know.

Q. Don't know? A. No.

Q. Then he put her in the Consumptives' Home. Now, wasn't he speaking of Eva at the time he died, when he was speaking of the prodigal son, — with reference to her? A. I do not know, sir.

Q. Didn't you so understand? A. I never understood it.

Q. What? A. I never understood it so.

Q. Well, what did he refer to, speaking in the church of the parable of the prodigal son, and falling down? A. Well, I should think that was the subject for the evening; and I think each one spoke upon it, sir.

Q. And he fell with the words in his mouth, did he? Now, madam, leave out your girls and the father, tell me when you ever told anybody, before Eva came on to the stand, that she was a girl wanting in truth and veracity? A. I don't know as I understand you.

Q. You have sworn that her character is bad for truth and veracity; who did you ever tell that before Eva went on the stand here, — leaving out your girls, that you have told me about, and the father, if you told him, — leave these three out, to whom did you ever say, Eva is a girl wanting in truth and veracity, in any form of words? A. I don't know as I can tell any one I told it to particularly.

Q. Can you tell me any one in general? A. No; I don't know as I can.

Q. Did you ever say it to anybody, living or dead, leaving out these girls and the father? A. I can't remember.

Q. That you ever did? A. No, sir; that I ever did.

Q. You have already sworn here you never said an unkind word about her, and that would have been pretty unkind, to have said of her, wouldn't it, to strangers, that she was a lying girl? Whoever, within the last five years of her life, ever said to you, leaving out your hired girls, that she was a girl whose character for truth and veracity was bad, — the last five years

of her life, before she left? A. Well, I don't know as I can tell you of any one in particular.

Q. Tell me of any one in general? A. I can't.

Q. Then, you can't in general or in particular? A. No.

Q. Did this girl join the church? A. Mary?

Q. Yes. A. No.

Q. Did not? A. No.

Q. She was treated in the family like one of the family, sent to Sunday school like other children, and sent for all these accomplishments, when you knew she was a confirmed, intractable liar, — do you say so? A. Yes, sir; I could not take her word for anything.

Q. I understand: you knew she was a confirmed liar all the time, and, yet, you gave her all these accomplishments, and sent her to the art school to associate with young ladies there, paid large prices for her tuition, — that was so, was it? A. Yes, sir.

Q. And from that hour to this, the time of this investigation, you never have breathed to mortal man or woman the suspicion that she didn't tell the truth, on your oath, have you, as you have just told me. Now, who came to you and asked you to come here and swear about this poor girl, whose fortune you have got, that she would not tell the truth? Who came to you with that story? A. Who came to me?

Q. Yes; who first asked you about her truth and veracity? A. [Turning to Mr. Brown.] I think you asked me, Mr. Brown.

Q. Was he the first person? A. Yes.

Q. And when was that: when was that? A. Last Thursday, I think.

Q. When? A. Last Thursday, or Wednesday.

Q. Last Thursday? A. Last Wednesday.

Q. Very well, Wednesday be it; did you know anything about coming up here to testify she was a lying girl till last Thursday? A. I saw by the papers what she had testified here on the stand, which I knew was false.

Q. Now, then, that is just what I want, thank you. What was it she testified on the stand that you know was false? A. That I influenced her father to poison her.

Q. Pardon me; she didn't testify to any such thing. A. It was so in the paper.

Q. It shows it won't do to believe the papers. Then you

made up your mind she was a lying girl, didn't you? A. No, sir; I made it up a great while before.

Q. But you never mentioned it to anybody. Now, then, did you speak to anybody about it, — you have told me the first person you did it to was Mr. Brown, and he asked you. Did you know you were to come up here to testify that her character was bad, — of course you were going to testify you never influenced her father to kill her, — but did you expect to come up here to testify to anything else? A. I think she testified enough on the stand here to condemn herself, any ways.

Q. I have no doubt she did. A. That, I think, is publicly known.

Q. I think that is publicly known; all right, I understand that, thoroughly. But, now, I want to know what you know, — not what she knew, nor what your opinion is of what she testified, — did you know that you were to come up here to testify to her character for truth, not what lies she told about you, till you got here and talked with Mr. Brown? [Witness paused.] Well, we are pretty well advanced in years, both of us, don't wait much longer. A. No, sir.

Q. Did not? A. No, sir.

Q. Now, madam, here was a fifteen-year-old girl, who had been well brought up, thoroughly accomplished, somebody had led her away from her father's house, and she was sick, confined with child, and she was taken from that place to Dedham, and from that hour, you, a Christian woman and her mother, never took any step to bring her back or reform her, but did, in a year or two, succeed to a large, very large property by will. A. That is a very great mistake, sir; not a very large property.

Q. How many thousand? A. Well, sir, I don't think there was more than \$6,000.

Q. Eva hasn't had much of it, lately, on your statement? A. No, sir.

Q. I am aware that it don't appear any more than that, — that will be looked up, by and by; about the United States bonds that are not accounted for; that is to come hereafter. Now, then, little or much, \$6,000 if you please, which you got, you never took any pains, yourself, to try and reclaim that beautiful, well-educated child, who was led away while she was a Sunday-school scholar; that you swear here in the presence of this committee, do you, you a Christian woman, a member of

the church, — you so testify, do you? A. Well, sir, I think it would have been thrown away, whatever I did.

Q. It would have been thrown away? A. Yes, sir; she chose to take that company, that was her disposition, and nobody could have reformed her.

Q. That was her disposition? A. Yes.

Q. And, at any rate, in your own expressive language, you gave her up? A. I did, sir.

Q. And the only service you have done her is to come voluntarily all the way up from Maine to swear her character down, and blast her as much as you can; is that it? A. I wish her no harm, sir.

Q. What? A. I don't wish her any harm.

Q. Yet, you came voluntarily up here from Maine to swear against her. Who went down after you? A. No one came after me, sir.

Q. What? A. No one came after me.

Q. Who went down to see you there, anybody? A. No, sir.

Q. Who did you first see when you got here? A. Mr. Sargent.

Q. Did you see him before? A. No, sir; never.

Q. Then you came upon telegraph, did you, or letter, which? A. Letter.

Gov. BUTLER. Came by letter. Then it was entirely voluntary, there wasn't even a shadow of process; you, the mother of the girl, come up here to do what you can to blast her reputation forever. That is all, madam.

TESTIMONY OF DAVID BLAIR (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. David Blair.

Q. Where do you live? A. Lawrence, Massachusetts.

Q. How long have you lived in Lawrence? A. About ten years; about that; I can't say exactly.

Q. What is your business? A. I am in the milk business.

Q. Carrying on business for yourself? A. Yes, sir.

Q. How long have you been engaged in that business? A. Four or five years; five years, I guess.

Q. Were you ever employed at Tewksbury? A. Yes, sir.

Q. When? A. Well, I don't know as I can give you the

exact date ; I think it was in 1876 I went there ; in August, 1876, I think, or July.

Q. (By Gov. BUTLER.) July, 1876? A. Yes, sir.

Q. (By Mr. BROWN.) How long were you there? A. About two years, I think, I stayed there, till within a month or so ; I think I left in the spring, two years, any way, about two years.

Q. And what business were you engaged in at Tewksbury? A. In the cook business.

Q. What? A. In the cooking department.

Q. That is, for the almshouse? A. Yes, sir.

Q. Cooking the food for the inmates? A. Yes, sir.

Q. Now, were you always in that employment there at Tewksbury? A. Yes, sir ; all the time while I was there.

Q. During the time you were there did you ever hear any complaints of lack of food, sufficient food? A. No, sir.

Q. Did you have an opportunity of talking with the inmates, and did you talk with them with regard to the food? A. Well, I was right in amongst them ; they came in, — I had charge of the hall when they came in to eat their meals, and if there had been any complaints I think I should have heard them. I did not hear any complaint from them.

Q. Now, did you have any extras served at any time during the period of your employment there, and, if so, tell what they were and on what occasions? A. Holidays we always had something extra.

Q. Was Thanksgiving one of them? A. I will take that back ; I think on Thanksgiving we did not have anything extra, but Fast Day and Christmas and New Year's, — I believe Thanksgiving was not an extra, — but Christmas, New Year's and Fast Day, or else we had Thanksgiving and not Fast Day ; there was one of the two.

Q. One you don't recollect? A. Yes, sir.

Q. Now, state what extras were served? A. On holidays we used to have cold roast pork, — the pork was killed on the place, — and we roasted it two or three days beforehand, a thousand pounds of pork, and cut it up cold in slices for their dinner.

Q. What else? A. Potatoes and bread.

Q. What else? A. Potatoes, bread, and, according to how they was off for vegetables, turnips, beets, if they had any left over, as long as they lasted.

Q. That is, it would depend on the time of the year when the holiday was? A. Yes, sir. At other times we had cold boiled ham, — I can't tell how many, had them ready, for some holiday pork and ham I believe.

Q. Now, about the vegetables? A. Well, in the season of vegetables we had beets, potatoes — had potatoes all the time, — turnips, cucumbers, beans, tomatoes, green corn, watermelon, — they come under the head of vegetables? muskmelons, while they lasted; cabbage.

Q. Who was the baker? A. Mr. Barrett was baker when I was there.

Q. Did you eat the same food the inmates eat? A. Not as a general thing; I have eat it, when I didn't want to go to the superintendent's kitchen, often.

Q. Did you dine with the officers? A. Yes, sir.

Q. Well, how frequently did you have occasion, finding that you hadn't time, or for any other reason, to go to the officers' table, to dine with the inmates?

Gov. BUTLER. No; he has not said he dined with the inmates at all.

Mr. BROWN. I ask him.

A. Very frequently; I can't say how often; sometimes a week at a time I would get my dinner in the kitchen where I was myself, in preference to going in to the captain's table; and I generally went in for breakfast and tea, and very often, not all the time, sometimes, went in to the captain's kitchen: quite often, and then I quite often eat without going in there.

Q. Now, did they use to skim the milk when you were there?

A. No, sir; it never was done, not while I was in the institution.

Q. Did the inmates have milk furnished them, and, if so, to what extent? A. The inmates had milk in their tea and coffee, that is in the hall: the well would come to the hall, and they had milk in their tea and coffee; and in the different wards around the institution the milk was sent out. They would come in, each department would come in after their own rations; they would send the matron who had charge, with the help, and come down and carry it up. — so many bowls of milk, so many bowls of gruel, just as it was ordered by the physician.

Q. How frequently, within your knowledge, did Capt. Marsh visit the different departments of the institution? A. Well, in my department I don't think there was ever three days.

altogether, but what Capt. Marsh was there two or three times a day, probably; he had some business, going through there to see.

Q. Did he come in regularly at stated hours? A. No, sir; he used, generally, to come there in the morning before he went away, as he was going to Boston, and as he would come through the gate coming back he would come through the kitchen, come up that way.

Q. Did you ever see any act of violence there at the institution? A. No; no, sir; I did not see any acts of violence.

Q. Do you recollect any occurrence when they had occasion to use force upon any person there? A. I have seen once or twice where they was taking an insane person to the crazy house, — a girl; I don't know who she was nor what her name was; but I know there was one time in particular French Joe and somebody else was taking an insane woman to the crazy house and she hollered, — whether they were hurting her or not I don't know, — but I know Captain Marsh made them let her go, and she walked there with him herself; and he talked to them and told them they must not be rough with her, or something that way. That is shortly after I went there.

Q. Well, did that occur more than once while you were there, within your knowledge? A. No, sir; nothing of that kind didn't, not as I know of.

Q. Well, did you ever have occasion to know in regard to any instructions which the officers of the institution had in the management of the people there? A. Well, I only know in my own case, I suppose, — I don't know whether they all got the same instructions or not.

Q. Well, what did you have? A. When I went to work there I was instructed not to use any, — not to be rough or use any harsh means at all; to use them kind.

Q. Did you ever hear that instruction given to anybody else? A. No, sir; I can't say as I did.

Q. Did you know whether there was any place for the confinement of persons who were disposed to be stubborn, in that institution, while you were there? A. Well, I believe there was one when I first went there, but my impression is they done away with it.

Q. Do you recollect whether there was a place where they used to confine persons who had delirium tremens? A. Yes, sir.

Q. Well, with the exception of that place of confinement, was there any other? A. Not that I knew of.

Q. Did you know Mr. Dudley? A. Yes, sir.

Q. How frequently did you see him while he was at the institution? A. I used to see him every afternoon after he got up.

Q. Where did you see him? A. I saw him on the grounds and in the yard around.

Q. Did he used to come in and talk with you occasionally? A. Well, yes; he used to talk some.

Q. Did you know Mr. Barker? A. Yes, sir.

Q. Did you see him frequently? A. Yes, sir; very often.

Q. Did you use to see him and talk with him? A. Yes, sir; I talked with him: more so with him than with any other officer there.

Q. You have been over to the insane department? A. Yes, sir.

Q. Did you know what the bathing apparatus was while Barker and Dudley were there? A. No, sir.

Q. Never examined it? A. No, sir.

Q. Did you ever hear from Mr. Barker, or from Mr. Dudley, any complaint of acts of cruelty committed upon patients in the insane hospital while they were there? A. No, sir.

Q. Never heard them in conversation with anybody about it? A. No, sir.

Q. Did they ever complain to you, in any form of words, that they were not properly supplied with water or bathing apparatus? A. No, sir.

Q. I believe you have been visited by Mr. Innis, have you not? A. No, sir; I guess not.

Q. Who was it that visited you? A. I don't know who it was.

Q. What sort of a looking man was it? A. I don't know as I could describe him; he belongs in Lowell, I have heard since. Doctor somebody. A stoutish man, I think, with gray whiskers.

Q. To get you to come here as a witness? A. No, sir; they didn't ask me to come: they got to talking about Tewksbury. I didn't know who he was, and didn't know that he was from Tewksbury, and don't know as he is now, only what I was to'd when he went out.

Cross-examination by Gov. Butler.

Q. You are Mr. David Blair, are you? A. Yes, sir.

Q. There were five cooks when you were there, weren't there? David A. Gorham, cook; Mary E. Gorham, cook —

A. No, sir; they were before my time.

Q. What? A. They had left.

Q. Sure? A. Yes, sir. I had Mr. Gorham's place.

Q. Let me see, sir; Mr. Blair and Mr. Sedgwick, cook. You went there in 1876 and remained there two years? A. Yes, sir; it might have been about that —

Q. Stop a moment; I have the auditor's report here. A. I can't help that, sir.

Q. Well, all right; just as well. Here I find in 1877, which would be the report for 1876, there were David A. Gorham, cook; Mary E. Gorham, cook. — did you ever hear of them?

A. Yes, sir.

Q. They were there before? A. I had Mr. Gorham's place; Gorham's wife, I believe, was in the hospital kitchen.

Q. Then she was still there as cook? A. No, sir.

Q. J. E. Pope, cook. A. That was in the captain's kitchen.

Q. And then there was David Blair, cook; that was you? A. Yes, sir.

Q. And then there was J. S. Sedgwick, cook. A. I don't know of him; I never heard of him.

Q. You were not there but a little time, and your business was simply cooking? A. Yes, sir.

Q. You were hired for that? A. Yes, sir.

Q. What experience had you in cooking. A. Well, not a great deal; but I had some, — not a great deal.

Q. Where did you live? A. I lived in Lawrence when I went to work there.

Q. What did you do in Lawrence? A. What did I do in Lawrence before I went to work there? I had been working for the Boston & Maine Railroad.

Q. What did you do in Lawrence? A. Before I went to Tewksbury? I worked for the Boston & Maine Railroad.

Q. Not cooking? A. No, sir.

Q. How many years did you work at that? A. I worked at that while I was in Lawrence; from the time I came to Lawrence until I went to Tewksbury, within two or three weeks.

Q. How long? A. I don't know; two years; between three and four years.

Q. Where did you work before that? A. I worked in New York.

Q. What? A. New York city.

Q. When; just before? A. Before I come to Massachusetts, I did; yes, sir.

Q. Before you came to Massachusetts you worked in New York city? A. Yes, sir.

Q. What did you do there? A. I worked for my brother in an eating saloon.

Q. What? A. An eating saloon.

Q. What did you do then? A. I helped in the kitchen, and some all around.

Q. About what is your age, sir? A. My age is thirty-nine years.

Q. And you went there at how much a month? A. I went there, I think, the first month at twenty-five dollars.

Q. And raised afterward? A. Yes, I was raised five dollars.

Q. Were you hired to do anything else but cook? A. Well, I had all to do in the kitchen: I had help there to do it. I had charge of that kitchen and the hall where the men ate.

Q. You had no charge of the men? A. Nothing more than coming in to their meals and going out.

Q. Well, I suppose there you are only to see that they are fed? A. This is it, sir.

Q. But you were carefully instructed to do that cooking kindly, and not to use any force? A. Well, there is sometimes, — there is a good many comes into that hall to eat and you can be kind or rough, one or the other.

Q. I understand; but what was there about it that required that you should be instructed? Had there been any trouble that somebody hadn't been kind, and so they wanted you to be? A. I don't know, sir, what it was for.

Q. But you were told to be kind particularly in the hall and in the cooking? A. No, they didn't say in the hall or cooking, but they said be kind to them: that is what it meant. I cannot say exactly the words, but that is what it meant. I had my instructions.

Q. Now did you know that they carried away people to be dissected there? A. No, sir.

Q. Did you hear of it while you were there? A. Well, I guess I did.

Q. Guess you did; don't you know whether you did? A. I heard some talk about it on the grounds, among the inmates, that is all.

Q. The inmates knew about it and talked about it? A. I suppose they did; yes, sir.

Q. And pretty generally? A. Oh, no; no, sir, I could not say that.

Q. Considerably? A. No, I can't say considerably, either; two or three times; I don't know as I have heard it oftener than that.

Q. Don't know but you have heard it oftener? A. Don't know as I have.

Q. The inmates were talking among themselves or were talking to you? A. Yes, they were talking among themselves, and I used to walk about the yard where they were.

Q. And they were talking about it? A. I have heard them talking about it.

Q. Two or three times? A. Two or three times.

Q. They rather liked it, didn't they? A. I don't know.

Q. How did they express themselves? A. That I cannot tell.

Q. Did they express themselves about it as a thing they liked or disliked? A. I cannot tell you how they did express themselves.

Q. Can you remember? A. No, sir; I cannot remember exactly what they said. I knew they were talking about it, but I cannot repeat the words.

Q. I don't ask exactly what was said. When I hear people talking I can generally tell without hearing what they are saying whether they like a thing or not. Can't you tell us whether they were pleased with it? A. No, I cannot.

Q. Nor whether they were displeased? A. No, sir.

Q. And you never said a word about it yourself? A. No, sir; I never did.

Q. You didn't believe it, I suppose? A. Well, I don't know whether I did or not. It was none of my business.

Q. I understand. A great many things you had a belief about were none of your business, I suppose. Now, did you make any inquiries? A. No, sir.

Q. Never asked about it? A. No, sir.

Q. Why not? It was a curious thing, was it not, to you? You had never had any experience of that kind, even in a New York eating-saloön? A. No, sir.

Q. It was a curious matter, was it not; and you never spoke to anybody about it? A. No, sir.

Q. Did anybody ever speak to you? A. No, sir.

Q. Will you swear that Mr. Dudley didn't speak about it? A. Yes, sir; I will.

Q. Or Mr. Barker? A. Yes, sir.

Q. Why do you swear that? A. Because I know they never did.

Q. Why? A. Because I know nobody ever did.

Q. Did you ever speak to anybody? A. No; not about bodies.

Q. Never about "transportation?" That is what they call it? A. No, sir.

Q. Now, did you ever attend a funeral while you were there? A. No, sir.

Q. And did you ever see one? A. I saw the funeral of an officer, but I didn't hear that his body was carried off.

Q. Ever see the funeral of one of the inmates? A. Not outside of that; no, sir.

Q. Ever hear a funeral sermon preached, or funeral ceremonies, except that one? A. No, sir.

Q. Ever in the grave-yard? A. No, sir.

Q. Did you know Mr. Manning? A. No, sir; I had seen him.

Q. You had seen him, but not to be intimate with him? A. I knew him when I saw him.

Q. You had seen his cart? A. That I cannot say. I don't know that I ever saw his cart; no, sir.

Q. Well, his wagon? A. No, sir; I don't remember that.

Q. Well, but you used to see him about there? A. No; I have seen Mr. Manning as I came by his place to the depot.

Q. Didn't you hear that he had a man employed in carting them off? A. I did; yes, sir.

Q. You did? A. Yes, sir.

Q. Didn't you have any curiosity to look at the cart? A. I didn't see any cart.

Q. Well, a wagon? A. If I had seen it, probably I should. If I had seen him with a wagon — but I never did.

Q. You never saw him with a cart or wagon? A. No, sir.

Q. Now, are you sure? This was in 1876. Now, did you ever see the pond where they bathed? A. In the insane building?

Q. Anywhere? A. Well, I suppose I have seen it there. I don't know what you mean by the pond. But where they have bathed the insane, I have seen it.

Q. That is what they call it? A. Yes, sir; I have seen it.

Q. Ever seen them bathe there? A. Yes, I have been going through when I have had some business with Mr. Dudley. I would be going through, and they would be bathing, or getting ready.

Q. Ever see two persons in that pond, or more? A. I don't know that I ever saw any one in that pond, --- I don't think I did.

Q. Did you ever bathe there yourself? A. No, sir.

Q. Where did you bathe, if anywhere? A. I bathed down in what they call the bath-room, in the other side of the yard.

Q. In the officers' bath-tub, I suppose? A. I don't know as there is any one particularly for the officers; there are three or four there.

Q. You didn't find that out. Now, you never heard that anybody got hurt? A. No, sir.

Q. Nobody hurt; nobody got confined in any way? A. I have known people to take them and shut them up in the cells, ---men with delirium tremens, or something of that sort.

Q. Let us see if I understand you. Would they put a man with delirium tremens into a cell? A. I don't know as they called it a cell; but if they called it a cell, that is what I understand.

Q. Very well; they would put them in a cell, with delirium tremens. Well, in any other case, now, did you ever hear of anybody being confined in that institution? Did you ever hear of anybody being confined in that institution, except people with delirium tremens being put in a cell? A. I don't know; no, sir, I have not.

Q. Do you know whether you have heard it? A. I know I have not.

Q. Did you ever hear of anybody being struck by anybody there? A. No, sir.

Q. Did you ever hear of anybody being confined? By confined, I mean struck down, or tied down. That is what I mean.

A. No, sir; no, sir.

Q. Now, did you hear of that woman that had a baby there in 1876? A. A crazy woman?

Q. Yes. A. Yes, sir; I heard something about that.

Q. You mean Charlotte Anderson, I suppose? A. I don't know who she was.

Q. Did you ever hear of any other? A. No, sir.

Q. Was there not a trial of a man there about another woman? A. Not while I was there; that was just before.

Q. Just before? A. I heard of the Reed scrape.

Q. Anything else? Did you hear, before you went there, that they used to beat and abuse them? A. No. I know they had an investigation before I went there, and I heard considerable about it.

Q. But that was just before you went there? A. I don't know; it was not a great while before. I cannot recollect now.

Q. Now, about all those vegetables and nice things that they used to have on holidays, — they used to have cold roast pork? A. Yes, sir.

Q. They didn't have any other meat when they had cold roast pork? A. No, sir.

Q. And they used to have the same vegetables they had on other days, I suppose? A. Yes, sir.

Q. The only change for holidays was cold roast pork, or cold boiled pork, was it? A. Yes, sir; cold roast.

Q. You were asked if they had any delicacies. When you talk about that, you mean anything cooked up beforehand? A. Anything extra, I understand.

Q. You call that extra? A. Well, yes, sir; I think it is extra.

Q. You thought it was extra because that was all the meat they had? A. Well, cold roast pork; they had pretty good share of it at this time, as much as they could possibly eat, most of them.

Q. I am not going to that. Now, sir, how many barrels of flour were used there? A. Well, that I cannot tell you. I did know, but the baker baked the bread. It was put in the bread room. I had charge of it, and had it cut up and delivered.

Q. You put a slice at each plate? A. Start with a slice ; yes, sir. Before the men came in there would be a slice of bread at each plate ; and at each table there would go a man on each side with a pan, and just as soon as a man got through with the first slice he would get another. That was done to save waste.

Q. Some men would not want a slice, I suppose? A. Well, very few but what would eat a slice.

Q. How large was that slice such as but very few men would eat? A. Well [referring to an auditor's report], not quite as long as that book but as wide as that, perhaps a little wider, and about an inch thick.

Q. They used to have pieces of bread pretty heavy? A. No, sir. Do you mean the loaves were heavy or the bread?

Q. No, I mean heavy bread ; such as they have in a New York eating-saloon. A. No, sir ; I have seen pretty good bread in a New York eating-house, too.

Q. That depends somewhat upon who keeps them? A. Yes, sir.

Q. Was this bread as a rule heavy or light? A. It was light bread.

Q. Now, then, having had light bread, how much did a slice weigh? A. I could not tell you. I never weighed a slice.

Q. A cook, a man of experience, a New York cook, and cannot tell how much a slice of bread would weigh? A. No, sir ; I never weighed a slice of it.

Q. About how much? Two ounces? A. Yes, more than that.

Q. How much? A. More than twice that.

Q. Four ounces? A. Yes, I think so ; I don't know.

Q. Six ounces? A. I could not say, sir ; I never weighed it.

Q. What is your best judgment? A. I would not like to guess on it.

Q. They used to eat one of these four or six ounce slices of bread? A. Some would eat two or three of them.

Q. That's right. I am glad to see them so well fed. They would eat one in the morning? A. No, sir ; they had all they wanted.

Q. Some would eat two or three then ; and at night all they

would have — A. That was all at night, — tea and bread and coffee.

Q. And the milk was boiled into the coffee? A. No, sir; the coffee was boiled, and just before it was ready to be drawn off to take to the different departments the milk and sugar was put in.

Q. Now, then, let us see. There were some men that would eat three, and some four of these slices of bread, would they?

A. I don't think a great many would eat four, but there were plenty who would eat three. When they first came in they would eat four or five until they got filled up a little.

Q. In the morning and at noon they would eat three or four, and in the afternoon three or four; and meat besides. About how much weight of meat do you think they would have at noon? A. I did know at one time, pretty near. They would give a working man pretty close to half a pound. There were some men pretty hearty, who worked pretty hard, and we used to let them sit by themselves, and give them a little more than those who were not working. If we could do it we would put them on about what we thought they would eat.

Q. You would give them half a pound? A. Probably not quite that but rather close to it.

Q. Well, the hearty men? A. Yes, sir.

Q. And these hearty men would want more bread too? A. Yes, sir.

Q. Then we will have a man eating, — we will put that down, three times four is twelve ounces of bread in the morning; twelve ounces of bread in the afternoon is twenty-four; half a pound of meat at noon, that is eight ounces more, that is thirty-two ounces; and three slices of this bread, that is twelve more, at night, and that is forty ounces. And they would eat forty solid ounces of bread and meat? A. Well, the bread might not weigh that. I don't say the bread would weigh that, I never weighed it. I was only giving it rough.

Q. You went over it pretty emphatically before, and when I put it up to six ounces you said, "I don't know what it weighed, I never weighed it." Now, sir, I want your judgment. Take little and big, — you say half a pound of meat a day, — take little and big, children, women and men, what in your judgment, — they had meat once a day, — sick and well, what in your judgment would be the amount of meat they would con-

sume? **A.** I could not tell you. The sick and the little children didn't come into my part. I am speaking of the healthy.

Q. You are speaking of those that got half a pound? **A.** I am speaking of those that came in my hall. Those that were diseased; the children in other departments would not eat so much, and they would eat a different kind of food. They would have gruel and such as that in the old women's ward and in the hospital.

Gov. BUTLER. But the men would get half a pound as the average, and then there would be the average deduction, as much as the women and children would have. I shall not have to trouble you any more.

Mr. BROWN. That is all, Mr. Blair.

Gov. BUTLER. I understood an order was passed on Saturday that we should take testimony, to save time, down in Exeter; and if that can be done I should like to have it done to-morrow. Brother Brown can go down and I will send somebody down. I should like very much to be away to-morrow. It has now been judicially decided that I can step out of the Commonwealth without forfeiting my office, and I should like to have an opportunity to go out for a little health. I have been every day at the executive office, I believe, since I returned to it on the second of March. I may have been away one day; but at any rate, I have been very closely confined, and I have an opportunity to-morrow to go to sea for a little time, and I would like very much to go. In the meantime we won't lose any time, because Brother Brown will run down to Exeter and I will send somebody down there to take a few depositions. It would take three days to go through the same testimony up here.

The CHAIRMAN. What do you say, Mr. Brown?

Mr. BROWN. I don't see any occasion why we should go scouring about the country after testimony. It has not yet appeared that there is any witness in Exeter who is not willing to come here. I shall have witnesses from Exeter and intended to produce them here, probably at the very next hearing. Of course, if the committee say we shall go to Exeter and take testimony, then I desire that every possible thing that can be done to facilitate it should be done. But I don't yet see any occasion for going to Exeter to take any testimony. There is no evidence, that has come to my attention, that there is anybody in Exeter who won't come here,

Gov. BUTLER. Well, I have only to ask the committee's attention to this: I know Mr. Brown does not see any occasion. I differ with him; I do. He may have people who are very glad to come here. I suppose the Atwoods and the Davises would desire to come here to clear their skirts. The facility with which witnesses come here on behalf of the defence is shown by the fact that Mrs. Bowen has come here from far down East upon a letter. But unfortunately my witnesses won't come that way.

Mr. BROWN. They come from New York voluntarily.

Gov. BUTLER. One witness did; but she was treated so that I shall not be able to get another.

The CHAIRMAN. One from Cleveland and one from Maine.

Gov. BUTLER. Precisely so, sir. He came from Cleveland because he had a story to tell which he was interested in, evidently. That was early in the hearing. But when it was understood that everybody was to be abused, everybody was to be maligned that came here to testify for the State, men have not been anxious to come. I have a long list of those who say: "I know this and that, but you must not call me," because they don't like the regime.

Mr. BROWN. I have had the same experience.

Gov. BUTLER. I have no doubt you have had; and that only shows the necessity of what I am urging upon the committee. I am much obliged to be reinforced by my Brother Brown. Both of us have the experience that we cannot get the people we want. Now, the statutes of the Commonwealth have made provision that we may send out and take testimony in another tribunal. It will cost the Commonwealth very much less than it will to bring these people here upon a greater or less uncertainty, because it is only the travel and fees of one man to go down there and it is the travel and fees of a dozen to come here.

The CHAIRMAN. I assume that your evidence is to be in rebuttal.

Gov. BUTLER. My evidence is to be that which will be pertinent to the issue.

The CHAIRMAN. I don't think the committee would care to go into new evidence, cumulative evidence, especially outside of the Commonwealth.

Gov. BUTLER. I don't know, Mr. Chairman, but what evidence outside is just as good, if pertinent, as that inside the

Commonwealth. We haven't any patents here on evidence. If it is good evidence, the question is as the Dutchman said to his wife. He said: "They don't ask me by what route I came, but whether my wheat be good." And so about evidence. I think the chairman will see that if the evidence is competent and pertinent, it is what we want to get. It is evidence that will be tested by being subjected to cross-examination. I am aware that a committee, which lately sat here in this building, took affidavits. I think that ought not to be done, because the only test of truth is cross-examination. Therefore I move for an order, simply that such witnesses may be examined — precisely as the order would be under the statute — as may be produced before any judicial tribunal: I don't care what it is, any justice of the peace and of the quorum — for they have them still, I believe, down in New Hampshire — or any justice of the peace, or any commissioner: it won't make a copper's difference, because I think it will be taken down by a stenographer in any event.

The CHAIRMAN. I suppose the question of the competency of it will of course —

Gov. BUTLER. Will be decided here.

The CHAIRMAN. I for one should object to anything except rebutting evidence, because otherwise we should never get through. What action will the committee take?

Mr. MURPHY. I for another, Mr. Chairman, should believe in the passage of the order, because I don't think this committee can afford to place itself in the position of being opposed to the admission of any evidence that will have a bearing on the investigation before us. I don't want to be placed in that position any way, as a member of the committee.

The CHAIRMAN. The question is, whether depositions shall be taken of witnesses outside the State.

Mr. BROWN. May I say a single word, and that is this: of course I don't know whether this evidence is to some new charge or whether it is evidence intended to be added to something which has already been offered, simply cumulative evidence, or whether it is evidence in rebuttal. I don't know anything about it. As I said before, if the committee order evidence taken in Exeter or anywhere else, I shall try either to go or to send somebody; but I would really like to know what I am going about before I start to go into another State: be-

cause it might be a matter where I should go myself, or it might be perfectly proper for me to send some one.

Mr. GILMORE. The committee are to have an executive session to-morrow and can consider the subject.

Gov. BUTLER. When I get the evidence and offer it its pertinency and its admissibility will be judged of by the committee. And I never was called upon to state what my witness would swear to before I examined him, and especially should not be in this case, because I have not examined him and cannot state.

Mr. BROWN. I would like to say a single word. I think we are in the midst of a trial, and I think that when a party in the midst of a trial asks the other party to go out and take depositions he always makes a statement, generally accompanied by an affidavit, as to the materiality of the evidence to be taken.

Gov. BUTLER. I don't understand that to be the rule. If the trial is asked to be adjourned on that account, that is the rule. I do not ask an adjournment.

Mr. PUTNEY. I would like to inquire of the governor if he proposes to submit his testimony at this stage of the hearing?

Gov. BUTLER. I propose to keep it for rebutting testimony, and I have this reason for that, Mr. Committeeman: that otherwise I would have to ask you to adjourn until I can go and take it. I am as anxious as anybody can be to shorten this hearing. It can be taken now, and I lose a little advantage, because my brother, knowing what the rebuttal testimony will be, some of it, will strengthen his case a little perhaps. Still I must take all that. I don't propose to submit it at this stage, because it would not be proper; but when we get through I want to have my testimony ready so as to go right on and close this thing up.

Mr. PUTNEY. It seems to me, if it is simply cumulative, we should not allow the evidence to be admitted at the close of the hearing; but if it is rebutting testimony it seems to me there is no reason why it should not be admitted, because I suppose both sides will have evidence of that kind.

Mr. GILMORE. I should be in favor of passing the order if the evidence is to be used as rebutting evidence.

Mr. MURPHY. As I understand it, we decide whether we will accept it when we take it into consideration. The taking of the testimony in Exeter has nothing to do with it until it comes down before us, then we will decide whether it is proper evidence or not.

The CHAIRMAN. My impression is that we had better ad-

journ, and let the governor go away. I would like to go to sea with him. When it comes to rebuttal, we will pass upon the question.

Mr. LEARNARD. I move that the question be laid upon the table.

Mr. MURPHY. What is the idea of laying it on the table?

The CHAIRMAN. To settle it at some future time, I suppose.

Mr. MURPHY. Can't we settle it now?

Gov. BUTLER. That, I suppose, is to inconvenience me.

Mr. PUTNEY. I suppose it ought to be settled, because both sides will probably want a little time if it is to be done to-morrow.

Mr. LEARNARD. It won't take place to-morrow, will it, if the governor goes away?

Mr. PUTNEY. Well, His Excellency will send some one, and Mr. Brown will go or send.

Gov. BUTLER. I waited all day yesterday for his accommodation with great willingness.

The CHAIRMAN. The motion to lay upon the table is withdrawn.

Mr. BROWN. I want to say in reference to that last remark that, of course, if the committee say that they want testimony taken instead of having witnesses brought here, — there being no evidence that there is any man who cannot be brought here, — we have both had experience in regard to those who say they would like to come, but they don't like to be cross-examined. I don't consider a witness of very much value who is not willing to be cross-examined —

Gov. BUTLER. They are to be cross-examined. But there are people who cannot be brought here because they don't want to come. They don't care to be mixed up with this sort of matter; but they can be made to tell if the ordinary rules of evidence are applied, and the method of taking such evidence is provided for by statute. I should like to refer to the statute — but there is not such a convenience here anywhere.

Mr. BROWN. I will suggest this: that if we are to take depositions, those depositions be taken according to the usual custom, with interrogatories filed in writing, and cross-interrogatories filed in writing.

Gov. BUTLER. That is not the way.

Mr. BROWN. That is the only provision of the statute, except that it says when they are taken otherwise they may be

admitted in the discretion of the court, if all parties have been notified.

Gov. BUTLER. If you can appoint a commissioner, gentlemen, down in the State of New Hampshire, you can do that; and if you can't, you can't, that is all. Then my brother is a little mistaken about this being the only way.

Mr. BROWN. I know it is done in other ways where it is agreed to.

Gov. BUTLER. [Referring to the statutes.] Well, without agreement, sir, as I will show you in a moment.

Mr. BROWN. In the United States court you can take it *de bene esse* anywhere in the United States.

Gov. BUTLER. I would not go on. Now, let us see. Page 989: [Reading.]

"A witness not having his place of abode in this Commonwealth, but being at the time herein, may be summoned and compelled to give his deposition at any place within ten miles of the place at which the summons is served upon him, in like manner and under the same penalties as he may be summoned and compelled to attend as a witness before a court."

"The deposition of a witness without this Commonwealth may be taken under a commission issued to one or more competent persons in another state or country, by the court in which the cause is pending; or it may be taken before a commissioner appointed by the governor for that purpose, in any part of the United States or in a foreign country; and in either case the deposition may be used in the same manner and subject to the same conditions and objections as if it had been taken in this Commonwealth."

"The courts may make rules not inconsistent with the provisions of law, as to the issuing of commissions, either in vacation or term time, the filing of interrogatories, and all other matters relating to depositions taken out of the Commonwealth."

"Depositions and affidavits taken out of the Commonwealth in any other manner than is prescribed in the three preceding sections, if taken before a notary public or other person authorized by the laws of any other state or country to take depositions, may be admitted or rejected, at the discretion of the court; but no such deposition or affidavit shall be admitted unless it appears that the adverse party had sufficient notice of the taking thereof, and opportunity to cross-examine the witness, or that, from the circumstances of the case, it was impossible to give him such notice."

"A witness may be summoned and compelled, in like manner and under the same penalties as are prescribed in this chapter, to give his deposition in a cause pending in a court in any other state or government; which deposition may be taken before a justice of the peace

in this Commonwealth, or before commissioners appointed under the authority of the state or government in which the suit is pending; and if the deposition is taken before such commissioners, the witness may be summoned and compelled to appear before them by process from a justice of the peace in this Commonwealth."

Now, then, the same rule is in New Hampshire; that where a case is pending here, and a witness is wanted, we can take his deposition there. And I have for many years been summoned myself and summoned people, going to New Hampshire and taking depositions by the day, taking care that they shall have ample time for cross-examination — that is the only thing. If they refuse to go, a deposition is never rejected, and in some cases affidavits are admitted, where it is impossible from the nature of things to have a cross-examination.

THE CHAIRMAN. I suppose depositions taken for our use would be voluntary — that we have no power to issue a commission to go outside of the State. The parties outside would not be bound to obey it. But I take it they would volunteer to come before a justice of the peace or notary in Exeter, and when the deposition should be returned here we could use it.

GOV. BUTLER. Yes, sir.

MR. BROWN. Then I suggest this difficulty: that, if this is so, then why would not the parties make the same objection to going before a commission as to coming here.

GOV. BUTLER. They can be compelled, by the laws of New Hampshire, the same as they can be compelled here by our law, to go before them.

THE CHAIRMAN. It seems to me the question of rebutting testimony can well be settled when we come to rebuttal.

MR. LEARNARD. Do I understand that the governor states that the witnesses refuse to come?

GOV. BUTLER. Yes, sir; there are two or three that I have sent for and they have utterly refused to come. They say: if we are obliged to tell what we know, to give our deposition, we will; but we won't come voluntarily, for we don't want to be mixed up in this matter. There are at least three that have been reported to me for that. The question of rebutting testimony, if the chairman please, when it is offered, will be settled. It is a question of taking testimony; it is a question of what is the common and ordinary thing. It ought to be done at the earliest possible time in order not to keep the tribunal waiting. And I should say that you would have the right to say to me:

now, you knew you were going to use this testimony, why do you ask us to wait, to prolong this hearing, while you send down to take it, — if I didn't do it, knowing of its existence; and I should have to bow to such a decision, I think. I should have to bow to it anyway, but I think I should have to bow to it very gracefully. Because it is my duty — and I think I know my duty in this regard, because this is my profession — it is my duty at the earliest time I can to get my testimony ready. And I have been intending for some days to make this motion, but one thing and another has prevented; and I made it last Saturday and I thought it was all agreed to; and my brother agreed to send me the name of a man he would agree upon, and the only reason that he didn't do it, I suppose, was that he was suddenly called away.

MR. BROWN. I agreed to that, and I made that agreement because you told me that you understood the committee had passed the order; but when I came here this morning I found otherwise. But I say now that I am willing to do anything; if the committee order depositions taken in New Hampshire —

Gov. BUTLER. I understood there was an order passed.

MR. GILMORE. No order was passed.

Gov. BUTLER. I made the motion and I thought it was done by consent.

MR. GILMORE. I made answer that the committee would consider the suggestion. The committee immediately adjourned and the matter has not been brought up since.

Gov. BUTLER. I came to that conclusion because the chair said: "Do the parties agree to it?" And I understood Mr. Brown to agree to it, and he waited, and I was waiting, and I understood that that was the passage of the order; I didn't suppose it was necessary to take a formal vote. It seems that light has beamed on some of us since.

MR. PUTNEY. I move that His Excellency have opportunity to take depositions in New Hampshire, and also that Mr. Brown have the same opportunity; and when the evidence comes here it be for the committee to decide whether it shall be admitted.

THE CHAIRMAN. It is moved and seconded that the governor have opportunity to take depositions as moved for, and that Mr. Brown have the same opportunity.

[A vote was taken and the order was passed.]

THE CHAIRMAN. Now, shall I make a sort of a caption and order?

Gov. BUTLER. Yes ; I think so.

The CHAIRMAN. Now, your Excellency wants to-morrow?

Gov. BUTLER. Yes, sir. I will send right down to-morrow ; I will send Mr. Carrigan.

The CHAIRMAN. Can we go on Friday?

Mr. BROWN. We would like to take the official stenographer.

Gov. BUTLER. I cannot go on to-morrow, because Mr. Brown will want to be away.

Mr. BROWN. If the committee are going on I should not go to Exeter.

The CHAIRMAN. The committee are disposed to let the governor have his day at sea to-morrow.

Mr. WOLCOTT. Will counsel be ready by Friday?

Gov. BUTLER. I shall be.

Adjourned to meet on Friday, June 8, at 9.30 A. M.

FORTY-FOURTH HEARING.

FRIDAY, June 8.

The committee met in the Green Room at 9.30, Senator LORING of Worcester in the chair.

TESTIMONY OF HARRIET H. SANBORN (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. Harriet H. Sanborn.

Q. Where do you live? A. I am stopping at Tewksbury.

Q. What is your present occupation? A. Well, sir, I am supposed to be matron of the institution; stopping at the asylum, now.

Q. You are at present the matron of the institution? A. Yes.

Q. And you have been appointed within a few weeks, have you? A. Appointed the first of January.

Q. Now, madam, how long have you been connected with the institution? A. I came there last January,—the first, this time.

Q. This time? A. This time; and I came eleven years ago last March, and stopped there until two years ago in June,—this June.

Q. Eleven years ago last March? A. Last March.

Q. That would be in March 18—? A. 1872.

Q. Now, prior to March, '72, had you ever been at the institution? A. I had been there about six months once before that time.

Q. When was that? A. Well, I can't tell you just what year it was; sometime nineteen or twenty years ago.

Q. Nineteen or twenty years ago? A. Yes, sir.

Q. When you were there nineteen or twenty years ago, was Mrs. Thomas J. Marsh the matron? A. She was; yes, sir.

Q. Was Thomas J. Marsh, Jr., connected with the institution? A. Yes, sir.

Q. What physicians were there? A. Dr. Brown.

Q. Any others? A. Not any; no, sir.

Q. No others at that time? A. No, sir.

Q. Now, when you went there eleven years ago last June —
A. March.

Q. Last March, who was the physician? A. Dr. Nichols and Dr. Marsh.

Q. That is, Dr. Nellie Marsh? A. Dr. Nellie Marsh.

Q. Any others? A. No, sir.

Q. Do you recollect Mr. Dudley and his wife, who testified here? A. Yes, sir.

Q. You were there when they were there? A. Yes, sir.

Q. Through the whole period of their service? A. Yes, sir.

Q. Do you recollect Mr. Barker and his wife? A. Yes, sir.

Q. Were you there through the whole period of their service?
A. Yes, sir.

Q. Now, from '72,—March, '72,—when you entered the employment of the institution the second time, down to the time when you left, what was your occupation there,—what was your particular duty? A. I had charge of the upper wards, — the rooms. I had to see to the women; see that their rooms, their wards, were kept in order, and to their bathing; and those that took their meals in their rooms, to see to those.

Q. In what department was that; the insane department?
A. No, sir; that was in the other department; in the house department.

Q. How long did you continue to perform that duty? A. All of the time that I was there; a little over nine years.

Q. Now, madam, did you have anything to do with the bathing,—that is, the superintendence of the bathing of the inmates?
A. I did, of the women that were under my care.

Q. And, now, during these eleven years, what apparatus was there there for bathing? A. We had our iron bath-tubs.

Q. Same that you have now? A. Same that we have now.

Q. And how was the water communicated to the tubs? A. By pipes and faucets; iron pipes and faucets.

Q. Did you have hot and cold water? A. Hot and cold water.

Q. Now, do you recollect whether that was cistern water or

brook water, or where the water came from that supplied those tubs? A. Well, I suppose it came from the reservoir. The reservoir was filled, I think, with water from the brook.

Q. Was that very clear water? A. Very clear.

Q. Or was it kind of sweetened water, like? A. Sometimes it would be a little colored, but, as a general thing, it was clear.

Q. Now, did you ever know any inmate, during the eleven years you were there, did you ever know any inmate to be bathed in the water in which any other inmate had been previously bathed? A. No, sir.

Q. Did you ever know an inmate to bathed in dirty water? A. No, sir.

Q. Did you have anything to do with the bathing of the inmates on their first admission to the institution? A. Not unless, sometimes, I might be in the baggage-room when the matron of the baggage-room was away; I might have the charge of it at that time.

Q. Well, now, madam, did you use the water from the same source, and the same tubs, for your own personal use, that was used by the inmates? A. Yes, sir.

Q. Always? A. Always.

Q. Did other female officers of the institution during that period use the same bath-tubs and the water from the same source? A. They did not use the same bath-tubs; they have at the present time a separate bath-tub.

Q. I mean at the time you were there first? A. No, sir; they did not.

Q. Did not? A. No, sir; did not use these bath-tubs.

Q. Did they use the same water; that is, the water from the same source? A. We used the same water.

Q. That is, water from the same source? A. From the same source.

Q. Was there ever, within your knowledge, any lack of cleanliness in these bath-tubs, in the manner in which they were kept? A. No, sir.

Q. Did you ever know two people to be bathed in the same water? A. No, sir.

Gov. BUTLER. You asked that question before.

The WITNESS. I don't think I ever did.

Mr. BROWN. Excuse me; I had forgotten I asked it.

Q. Now, madam, take the food, — or, rather, take the beds

and bedding, as to what they were? A. They were always in a good condition, as a general thing.

Gov. BUTLER. Always as a general thing.

The WITNESS. As to cleanliness.

Q. As to cleanliness? A. Yes, sir.

Q. Now, you say as a general thing; do you recollect any special instances where the beds and bedding were not in such condition as you would approve? A. Sometimes, when we got out of material for the bedding, sometimes, — but just as soon as it came we always had it.

Q. And do you recollect to have been out for any considerable length of time? A. No, sir.

Q. Was there always sufficient bed-clothing? A. Yes, sir.

Q. Now, in the female department, or in any other department of the institution, did you ever hear, during the period you were there, any complaint of any acts of cruelty to patients?

A. No, sir; I don't know that I ever did.

Q. Did you sit at the same table with Mr. and Mrs. Dudley?
A. No, sir.

Q. Did you see them frequently? A. Very seldom.

Q. Very seldom? A. I never saw them to have any conversation with them at all.

Q. Did you sit at the same table with Mr. and Mrs. Barker?
A. No, sir.

Q. Did you see them occasionally? A. No, sir; very seldom.

Q. They were in what was called the insane department?
A. The insane; yes, sir.

Q. Now, did you have any knowledge or any opportunity of ascertaining whether Mrs. Marsh — the old lady Marsh — was in the habit of taking the inmates' clothing? A. I never knew of her taking any inmate's clothing.

Q. Did you ever hear any complaint in the institution or out of it from any inmate or any person who had been an inmate?

Gov. BUTLER. Do you confine it to that?

Mr. BROWN. What is that?

Gov. BUTLER. Do you confine it to that, or is it the general question?

Mr. BROWN. I confine it to that, now.

Q. Did you ever hear from any person who had been an

inmate, or any person who was an inmate, any complaint that their clothing had been taken? A. No, sir; I never did.

Q. Did you ever know any inmates to come there with silk dresses? A. I have seen a few.

Q. Valuable silk dresses? A. No, sir; they were not.

Q. You were familiar with the manner in which the inmates' clothing was kept for preservation? A. Yes, sir.

Q. During their stay at the institution? A. Yes, sir.

Q. After it was taken from them? A. Yes, ³ r.

Q. Now, did you have any opportunity of seeing how the children were treated? — the foundlings, for instance? A. I did.

Q. What opportunity did you have? A. Well, I had the charge of them for a while.

Q. During what period did you have charge of the foundling children? A. I could not tell you when it was.

Q. Give it as nearly as you can. A. I think it must have been in '73 and, perhaps, part of the year '74.

Q. '74? A. Yes, sir.

Q. And where were they kept at that time? A. They were kept in a wooden building down in the yard, what is now a part of the female hospital.

Gov. BUTLER. That is the building which has been so often described; 30 feet by 35.

Mr. BROWN. It is the same one.

Q. Now, madam, after you left the foundling department in '73 or '74, whatever the time may have been, did you have an opportunity of observing what was going on in there? A. No, sir; I did not.

Q. You did not frequent the place? A. I did not; no, sir.

Q. Now, while you were in the foundling department what facilities were there for the proper care of those foundling children? A. Well, we had a plenty of clothing for them, and a plenty of everything to use for them, excepting, perhaps, they might have, — our help, perhaps, at times, might have been a little short; we had only inmate help.

Q. Only inmate help? A. Inmate help to take care of them.

Q. Now, in your judgment, whether that, as to the quality of it, was sufficient? A. Perhaps not; no, sir, I don't think it was.

Q. Now, how many foundlings was the greatest number you knew in the institution while you had charge of that department? A. I think somewhere about fourteen.

Q. (By Gov. BUTLER.) At one time? A. At one time; yes, sir.

Q. (By Mr. BROWN.) Were you the only nurse in attendance at the foundling hospital? A. Yes, sir.

Q. All the other assistance was that of inmates, was it? A. Yes, sir.

Q. Now, as to the food; was there a plenty of food? A. There was.

Gov. BUTLER. She has already said that; why go over it?

Mr. BROWN. I wanted to limit it to the foundling department.

Gov. BUTLER. She has already said that as to the foundling department.

Q. Now, since you have been connected with the institution, some nineteen or twenty years ago, and whenever you have been connected with it, has there ever been, in any of the departments in which you have served, a lack of food? A. No, sir.

Q. Have you ever served in the hospital department? A. No, sir.

Q. Did you know Mr. Emmons French? A. I wasn't any acquainted with him.

Q. Did you know his wife, now Mrs. Young? A. No, sir; not anything more than to speak with her; I never had any conversation with her at all.

Q. Now, Mrs. Sanborn, I suppose, as matron since the first of January, it has come within your duty to visit every part of that institution, has it? A. In the female department.

Q. In the female department? A. Yes, sir.

Q. Now, if there is any difference in any of these departments now, since the inauguration of His Excellency, or any material change, or any substantial improvement that you can think of which did not exist during the nine years from 1872 —

Gov. BUTLER. Eleven years.

Mr. BROWN. Eleven years ago, but she left two years ago; she was there nine years.

Q. During these nine years, I want you to tell the committee what it was and what it is. A. I think that there has not been but a very little change.

Q. Well? A. Not any change at all within the last six months.

Q. (By Gov. BUTLER.) The last how many months? A. The last six months. The house, I found when I came back, was in just about the same condition that it was when I left it two years ago.

Q. (By Mr. BROWN.) That is as to neatness? A. As to neatness, and cleanliness, and everything.

Q. Any improvement in the quality of the beds and bedding? A. No, sir; I don't know as there is.

Q. Any improvement in the quality of the food?

Gov. BUTLER. She covers everything.

A. Everything.

Q. Have there been any mechanical improvements that you recollect? A. Yes, sir; I think there has.

Q. Such as what? A. They have put in water-closets; they have made improvements since I left there, very much.

Q. That is, since you left two years ago? A. Yes, sir.

Q. Anything else that you think of? A. No, sir; I don't know, excepting —

Q. Has there been any increase in the number of bath-tubs? A. No, sir.

Q. In any of the departments? A. No, sir.

Q. Since you left two years ago? A. No, sir.

Q. Were there any additional bath-tubs put in during the nine years you were there that you recollect? A. No, sir; not that I know of. I could not tell you what was done in the insane building.

Q. You can't tell as to that? A. No, sir.

Q. But as to the other part? A. As to the other part there has been none.

Mr. BROWN. I don't think of anything else, Governor.

Cross-examination by Gov. Butler.

Q. Then everything, so far as you know, in regard to that institution, its management, its administration, in food, in clothing, in treatment of all the inmates, within your knowledge, is just as good now as it was when you went there, and it was just as good when you went there first as it is now? A. No, sir; there have been a great many improvements made in the last eleven years.

Q. Well, pardon me; will you state those improvements, if

it was all right before, — what improvements? A. What improvements?

Q. What improvements have been made; yes? A. There has been a great many improvements made in that time.

Q. Without going over a great many, just tell me what there is, — if it was all right before? A. When I came there, eleven years ago, there were no water-closets in the main part of the building; those have been put in since.

Q. Water-closets; what else? A. And the attics have been taken out since I went there.

Q. The what? A. The attics.

Q. Attics taken off? A. Yes, sir.

Q. What else? A. I don't know as I remember anything else.

Q. Very well, then. A. But these have been done.

Q. I know, you said so; you need not repeat it. With the exception, then, of the attics and water-closets, has everything been going on, as regards the inmates, their treatment, their food, their clothing, their cleanliness, and the general care of them, — is it the same now as it was eleven years ago; and if not, I want you to tell me the difference. If it is the same, that ends it. A. I think they have always had plenty of clothes.

Q. I don't care what you think they have always had. I want you to answer my question, madam; I will have it read to you, and I want that answered and I don't want to be told anything else.

Q. [Previous question read by the reporter.] A. I think it is.

Q. Then, if anybody comes here and swears that since 1872 there have been any improvements in these regards, in these respects in that institution, they don't tell the truth, do they, so far as you know? A. So far as I know; no, sir.

Q. So far as you know? A. I know nothing outside of my own department.

Q. Ah; then you confine what you say to your own department? A. To my own department.

The CHAIRMAN. That is the insane department?

Gov. BUTLER. No, sir; she never was in the insane department.

Q. (By the CHAIRMAN.) What department, Mrs. Sanborn?

A. The female department. I had charge of the upper wards when I first went there.

Q. Of the female department? A. The female department.

Q. (By Mr. BROWN.) And afterwards, —? A. And afterwards, for a year and a half, I had the charge of the department,—of the whole of the female department.

Mr. BROWN. And then you had the foundlings.

Q. (By Gov. BUTLER.) Then, we will deal with the whole of the female department for those years, and your knowledge about it; and has all your testimony had reference to your own department solely? A. Yes, sir; I know nothing outside of my own department.

Q. Did you eat at Captain Marsh's table? A. I did not.

Q. Were there two separate officers' tables? A. There were three.

Q. Three; what officers eat at your table? A. I don't know as I could tell you all of them.

Q. Well, tell me as many as you can? A. There were somewhere about twenty that eat at the same table that I eat at.

Q. But Mr. and Mrs. Barker were not of that twenty? A. No, sir.

Q. Mr. Dudley and wife were not of that twenty? A. No, sir.

Q. Where did they eat? A. They had a dining-room,—all of the attendants in the asylum and the hospitals had a dining-room by themselves.

Q. The hospital attendants had a dining-room by themselves? A. Yes, sir.

Q. Then all these people who were not attendants at the hospital, if any of them have testified to eating with Mr. and Mrs. Dudley, they have made a mistake. Well, now, did you ever see the pond? A. What pond do you refer to?

Q. Did you ever see a little institution in that place called the pond? A. When I was there somewhere about twenty years ago, they had a pond.

Q. They had a pond; very well. A. The same as they have —

Q. Where was that pond? A. It was in the bathing-room.

Q. In the bathing-room? A. Yes, sir; down in the basement.

Q. And was it used for bathing? A. Yes, sir.

Q. When was that pond taken out? A. I could not tell you.

Q. About when? A. I could not tell you when it was taken out.

Q. Tell me within five years? A. It was taken out before I came there eleven years ago.

Q. That is, it was taken out before 1873? A. Before 1872.

Q. Before 1872; all right; and was never there afterwards? A. No, sir.

Q. And nobody bathed in it, of course, if it weren't there? So far as you know, there has not been a single bathing-tub added from the time you came there, in 1872, down to to-day?

A. I know nothing about what has been added to the insane asylum.

Q. Answer my question. A. But in any —

Q. Answer my question; so far as you know, there has not been a single bathing-tub added to that institution since you went there eleven years ago? A. No, sir; I don't know anything about it.

Q. What? You don't know anything about it; there may have been forty and there may have been none. Now, how many females did you have under your charge? A. Perhaps I might have averaged 125.

Q. That is as good an average as any other. Where did they bathe? A. In the bathing-room down in the basement.

Q. Down in the basement. Was that appropriated to them alone, or did they bathe with the other inmates there? A. That was appropriated for them for the main house, for the women's side of the house.

Q. Anybody else bathe there but them? A. No, sir.

Q. How many bath-tubs, eleven years ago, were there in that bathing-room? A. I think there were four.

Q. Sure about that? A. I won't say for certain, but I am very sure there were four.

Q. Was the water heated by steam? A. Yes, sir.

Q. By steam? A. At that time.

Q. At that time. Any change from that time been made in that regard? A. Yes, sir; there has been a change.

Q. Now, you have hot and cold water, do you? A. Yes, sir.

Q. You bathed once a week. — had a bathing day, I suppose? A. Yes, sir.

Q. What time in the morning did you commence bathing?

A. We used to commence soon after breakfast, anywhere from seven to half-past seven.

Q. In the morning? A. In the morning.

Q. And what time did you get through? A. Sometimes we would get through by ten o'clock and sometimes by eleven; it would be according to how many we had.

Q. I am now talking about the average, the average time. Well, suppose now you went there in the morning, you began bathing; you filled your tub with cold water. A. Cold and hot together.

Q. What, when you heated it by steam? A. When we heated it by steam, we turned on the faucet with cold water and then turned on the steam at the same time.

Q. Now, don't hurry; you shall have time enough. You went in the morning and filled the bathing-tub as much as it ought to be filled with cold water? A. Yes, sir.

Q. And then you put on the steam and heated it up to the proper temperature. How long would it take to heat with steam a cold-water bathing-tub up to the ordinary temperature, to 90. 80 to 90? A. I could not tell you just how long it would take.

Q. Well, about how long, — for some of us may know how long it does take to heat that water by steam? A. It would depend on whether we had a full head of steam or not. That had something to do with it.

Q. I want to know when there was a full head of steam. A. It might, perhaps, take, — sometimes it would take longer and sometimes shorter; I could not tell you.

Q. Well, I could have guessed at that without having you swear to it. Now, can't you tell me how long it took? Can you tell me within five minutes? A. No, sir.

Q. Within ten? A. No, sir.

Q. Within fifteen? A. No, sir.

Q. Within half an hour? A. No, sir; I can't tell you.

Q. On your oath you can't tell me within half an hour how long it would take to heat it. Well, now, let us see, — we will leave that out; how long would it take to bathe them after they got into the bath-tub before they got out, how long would

they occupy the bath-tub? A. I can't tell you; it might take some longer —

Q. And some shorter, yes. A. Some would stay in a half an hour, if you would let them.

Q. What? A. I have seen some who would stay in for half an hour.

Q. If you would let them; but what was about the average time? A. Anywhere from five to ten minutes, perhaps.

Q. Well, from five to ten minutes; five would be pretty short; and each time one got out that was in the bath-tub, then the water would be allowed to run out? A. Yes, sir.

Q. And that would take how many minutes? A. It would take, perhaps, five minutes; it might not take so long as that; I never timed it.

Q. Well, about five minutes, we will say. Now, let us see about bathing a person; how long would it take to fill the tub?

A. I could not tell you.

Q. About how long; you have done that for eleven years?

A. Yes, sir.

Q. Now, can't you tell me about how long it would take to fill up that tub, after eleven years' experience? A. It might take fifteen minutes and might not take that time.

Q. Well, what do you give as your best opinion about it; shall we settle down to five or ten? I want to get your opinion.

A. It might take five.

Q. Well, we will say five. Five to fill with cold, can't tell within half an hour how long it would take to warm it, but we will call that five. A. We have our hot and cold water.

Q. Pardon me, I am now on when they had the steam, madam. A. The steam was turned on at the same time the cold water was let in, the same time.

Q. Very well, we will leave that out; the same time with the cold water? A. Yes, sir.

Q. Now, they stay in from five to ten minutes, sometimes half an hour, — ten, very well: then it takes five minutes to draw off the water ready to start again. Well, then, the shortest possible time would be fifteen minutes to a person, and from that to an indefinite period. Now, 125 people, on an average, would bathe that way in the morning between half-past seven to ten, and sometimes eleven o'clock. You had to hurry up your cakes pretty fast, didn't you? A. We did.

Q. And not bathe two in the same water. Now, don't you

see, madam, — just take that reckoning, and I have taken your lowest time, that it would be impossible to do that in that number of hours? Are you a married woman, madam? A. I am not married, now.

Q. Widow? A. I am.

Q. Your husband employed at Tewksbury ever? A. He was.

Q. What? A. Yes, sir.

Q. Can you tell me now, madam, about Mr. Barker; did you ever hear any complaint of him while you were there? A. I never heard him make any complaint.

Q. Did you ever hear any complaint of Mrs. Barker while you were there? A. I never heard her make any complaint.

Q. No, no, hear any complaint of them? A. No, sir.

Q. Did you ever hear any complaint of Mr. Dudley while they were there? A. I don't know that I ever heard any.

Q. While they were there, I mean. Did you ever hear any complaint of Mrs. Dudley while they were there? A. I could not tell you that I ever did.

Q. So far as you know — A. So far as I know.

Q. They were clever and respectable people? A. I know nothing about them.

Q. Now, did you know or hear, madam, while you were there, during the eleven years that any bodies were being carried off to be dissected? A. I have heard of such things.

Q. How early did you hear of that? A. I could not tell you.

Q. About how early? A. I could not tell you when I first heard of it.

Q. Hear of it the first time you were there? A. I don't know that I did.

Q. Hear it the second time you were there? A. Yes, sir.

Q. What? A. Yes.

Q. From whom did you hear it? A. I could not tell you who I heard it from.

Q. Can't you tell me whether you heard it from any of the officers or the inmates? A. No, sir; I could not tell you who.

Q. Did you know Mr. Manning? A. Who?

Q. Mr. Manning? A. Manning?

Q. Yes. A. I did not.

Q. Do you know Mrs. Manning? A. I have seen the lady.

Q. Seen her there at the institution? A. No, sir; I have not seen her there.

Q. Did you ever hear that any of the inmates, insane inmates, were locked up in cells? A. I may have heard so; I don't know.

Q. You may have heard so? A. Yes; I may.

Q. I should think likely; but, then, I want to know whether you did or not. A. I think I did hear it.

Q. Don't you know you did? Weren't you there when the trustees came and let them out? A. Well, I had nothing to do with the insane.

Q. I didn't ask whether you had anything to do with them. A. And I didn't know. No, sir; I don't know that I knew when the trustees came and let them out.

Q. Didn't you know of it at the time? I should think such a thing would be spoken of at the institution. A. No, sir; there are a great many things happen at the institution there that I knew nothing of.

Q. Then they kept things quiet from you, a great many things that happened; you have said that you didn't know anything about Mrs. Marsh stealing the clothes? A. No, sir; I never saw Mrs. Marsh—

Q. That is one of the things they didn't let you know anything about. Did you ever hear anything about Tom Marsh's libertinism? A. No, sir.

Q. That is one of the things they didn't let you know anything about. Did you ever hear that the board of state charities had charged Ellen Marsh with killing some people? A. I think I read it in the paper.

Q. How long ago? A. I could not tell you how long ago it was.

Q. That was in the papers; and were you there at the time that Governor Rice examined the dish-cloths? A. I was there at that time; I could not tell you about his examining the dish-cloths; I didn't see him.

Q. He so told us, he did. You were there at the time? A. I was.

Q. Well, didn't you know that the board of state charities had made complaints, not about the dish-cloths, but about Mrs.

Marsh carrying off the clothes? At that time, didn't you hear of that complaint? A. I could not say I did.

Q. What? A. I don't know that I did; I cannot remember.

Q. Won't you try and remember that thing, where your matron was charged with such a thing as that; you might have heard the charge,— the charge is false, undoubtedly. A. Yes.

Q. Of course it was; but, then, they made the charge, — didn't you hear of the charge being made then? A. No, sir; I didn't hear the charge was made. I heard you read the charges the other day; that is the first I ever heard of the charges that were made at that time.

Q. The first you ever heard? A. When I heard you read it last week.

Q. Did you ever hear of any of the inmates being hurt in any way? A. No, sir.

Q. Never heard of that. Now, what you mean to tell us is that, so far as your department was concerned, you took care of it well? A. I took care of it; yes, sir.

Q. But, beyond that, you don't know? A. I don't know anything about any other department outside of my own.

Q. And I suppose each one would come and swear they didn't do it. Yours was all right; how the others were, you don't know? A. I don't know anything about the others.

Q. Now, madam, about these foundlings; you took care of them? A. I did for a while.

Q. For a while; a year and a half? A. Yes, sir.

Q. How many passed through your hands during that year and a half? A. I could not tell you.

Q. About how many? A. I could not tell you how many there was.

Q. About how many of them died? A. Well, the most of them died, I guess.

Q. How near the most? A. I could not tell you.

Q. Will you swear they didn't all die? A. I can't swear to it.

Q. You can't swear they didn't all die? A. No, sir; I could not swear to it.

Q. They had enough to eat? A. They did.

Q. And enough medicine; a good large room, — 30 feet by 35, — windows on all sides; had room and air enough; good beds and bedding, hadn't they? A. Yes, sir.

Q. Plenty of clothes? Were kept clean? A. Yes, sir.

Q. And plenty of good doctoring, hadn't they? A. Yes, sir; Dr. Nichols had charge of them while I was there.

Q. He was an experienced physician, wasn't he? A. I suppose he was; yes.

Q. Did you see anything wrong about it? A. No, sir; I don't think I did.

Q. Now, everything was good we have asked about, except the nursing, and if they all died they must have died of nursing, didn't they? A. I could not tell you whether it was the nursing or what it was.

Q. But, for some reason, they all died? A. Some of them wasn't there long enough to be nursed a great deal.

Q. I understand; they were living there as long as you would let them live, weren't they? A. I don't know whether they were or not.

Q. Don't? Did anybody come and take them away except the undertaker? A. Yes, sir; once in a while.

Q. About what was their average life? A. I could not tell you.

Q. Had you any children of your own? A. I have one.

Q. Well, now, here were young children who appealed to a woman's kindly feeling, and they were dying under her hand, all of them, and you had the care,—do you mean, now, to testify to this committee that you don't know enough about them to know about what their average life was in your hands? A. Some of them would come in there, and they would not be in there twenty-four hours before they would die; I have known them to come in where they would not live eight hours.

Q. Very good. Now, you see you do remember something about it. Now, won't you tell me what the average life of them was? A. Some might live six weeks; six months.

Q. Will you say that one did live six months? A. Yes, sir.

Q. How many? A. I could not tell you how many.

Q. Will you swear there was more than one? A. Yes, sir; I think there was.

Q. You think there was; will you swear there were,—because the register will tell about that,—do you have such a memory you can tell that more than one lived six months? A. I can't tell you.

Q. Well, say five months, then; any of them live five

months? [Witness paused.] What proportion of them do you think died within eight hours? A. I could not tell you what proportion of them.

Q. Will you swear there was more than one of those? A. No, sir; I won't swear to it, because I can't tell you; I can't remember, it was so long ago.

Q. Ah, but you undertook to tell me; I asked you the average life, and you undertook to say some came in and didn't live more than twenty-four hours, and some didn't live more than eight; now, that was a general swearing which I didn't think much of, and I want to pin you down, because I have got, now, where the register will help me. Will you swear there was one died in eight hours? A. I will not swear to it, but I think there was.

Q. But you did swear very swiftly, without my asking you, just now. Now, madam, will you swear that there was one that didn't live twenty-four hours? [Witness paused.] Don't wait as long as they used to live before you answer. A. I think there was.

Q. Will you swear there was? I am frank to tell you why I ask you, madam; I want to know if there is an institution in Boston or elsewhere sending up foundlings there, putting the State to the expense of sending an officer and a nurse with them, who were moribund, who were dying at the time; because I think that institution wants investigating, if there is such a one. [Witness made no reply.] Now, madam, about this clothing, if you won't answer that question; about the inmates' clothing; do you mean to say you never heard it spoken of that inmates' clothing was taken and used there? A. I never knew it to be.

Q. What? A. I have heard so, but I never saw it.

Q. I know; you heard so? A. Yes, sir.

Q. When did you hear so? A. I could not tell you when I heard so.

Q. About how many years ago? A. I could not tell you.

Q. Within five years of the time? I will tell you why I ask you, madam. I observed that Mr. Brown, and I asked him if he meant to confine the question about complaints to complaints by the inmates; because the charge was they took the dead inmates' clothing, and I didn't suppose they made any complaint, so you could well swear you never heard them complain. A. I never heard the living.

Q. No, nor the living inmates, because theirs weren't taken ; it was the dead ones whose were taken, the dead and absconded, if any was taken. The living ones hadn't any cause to complain. Now, you did hear that charge made ; can you tell me within five years of when it was made? A. I could not tell you when I heard it.

Q. Within five years, madam, of the time? A. I could not tell you.

Q. Can't you tell me within ten years of when you heard that? A. No, sir.

Q. Did you hear it the first time you were there? A. No, sir.

Q. How do you know you didn't, if you can't tell me when? A. I could not tell you when I heard it.

Q. Now, Mrs. Sanborn, on your oath, do you mean to swear that you can't tell — A. I cannot tell.

Q. Wait and hear the whole question, — that you cannot tell whether, during the nine years that you were there, you heard that or not? A. I could not tell you when I heard it.

Q. Just leave out the "when I heard it." That, you see, is an escape for the conscience that I mean to close. Understand the question, madam ; the question is this: Can't you tell whether you heard it within the nine years that you were there, — that is the question. A. I might have heard it.

Q. I know you might. A. I can't tell.

Q. And you might have heard it at any other time ; didn't you hear it within the nine years that you were there? A. I might have heard it.

Q. I know, you might have heard it ; didn't you hear it within the nine years you were there? A. I could not tell you whether I heard it when I was there within the nine years or not.

Q. Then, you mean to swear to this committee, on your oath, that you can't tell whether you heard, — you know you heard that complaint, — but you can't tell whether you heard it within the nine years that you were there or not? A. No, sir ; I could not tell whether it was in the nine years that I was there.

Q. Did you hear it within the last two years before the first of January? A. I have heard that complaint.

Q. Did you hear it within the last two years before the first of January? A. Before this last January?

Q. Yes. A. I don't know that I ever heard it.

Q. Do you know whether you did or not? A. I could not tell.

Q. Now, how many silk dresses have you seen there during the nine years you were there? A. I could not tell you whether I ever saw more than three or not. I know there was one woman came in who wore in her silk dress and she wore it out; and I know that there is two in the baggage-room — you probably saw them — that two inmates had who died, that are there.

Q. And you never happened to see only these three? A. No, sir; those, I think, are the only ones I ever saw; I might have seen some, part of silk, with some other material with it.

Q. Did you have anything to do with the sewing-room? A. No, sir.

Q. Was it in your department? A. No, sir.

Q. Were the people that worked in it your people? A. Some of them.

Q. People under your charge? A. Under my charge.

Q. Ever go in there? A. Occasionally.

Q. You never examined the trunks, I suppose? A. No, sir; I never examined them. When an inmate comes in, her trunk is never examined, unless she has soiled clothes in it, and then she takes them out herself; and, as a general thing, she keeps the key to her trunk, unless she asks the matron of the baggage-room to take charge of it.

Q. And unless the matron of the baggage-room asks her for it? A. Unless she asks the matron of the baggage-room to take care of the key for her.

Q. Suppose the matron of the baggage-room should ask her for the key, what would happen then? A. I don't know that it ever happened that way; that the matron ever asked for the key.

Q. You don't know? A. No; I don't think she did.

Q. You would expect it to be given up, wouldn't you, if you asked for it? A. I don't know as it would.

Q. Why not? A. I don't think she would want the charge of it.

Q. But, suppose she did for any purpose, wouldn't it be given up? A. I don't know whether it would be or not.

Q. Captain Marsh appointed you matron instead of his wife, last January? A. I was appointed last January.

Q. What? A. This last January.

Q. The first of January; and she was appointed honorary matron, wasn't she? A. Yes, sir.

Q. Did you ever hear of illegitimate children being born there, of people who had been there, so they must have been begotten there? A. I think I heard of one.

Q. Whose was that? A. I could not tell you the woman's name; she was an insane woman.

Q. You heard of the Reed case, didn't you? A. I did.

Q. Did you hear of the Charlotte Anderson case? A. Is that the insane woman?

Q. That is the insane woman. A. Yes.

Q. Did you know Mrs. Crowell there? A. Who?

Q. Mrs. Crowell. A. I never knew Mrs. Crowell.

Q. You never knew her? A. Not that I know of.

Q. Did you know Mrs. Raleigh there? A. Mrs. Raleigh?

Q. Yes. A. I never knew any one there of that name that I remember.

Q. Do you know Mrs. Rowell? A. Mrs. Rowell?

Q. Yes. A. There was a Mrs. Rowell, a nurse, in the hospital — the female hospital.

Q. When was she there last? A. I could not tell you.

Q. As near as you can? A. I could not tell you what year she was there.

Q. What? A. I could not tell you what year she was there.

Q. When did you last hear of her? A. I don't know that I have heard of her since she left the institution.

Q. Can you tell me about when that was? A. No, sir; I could not tell you.

Q. Haven't heard her spoken of? A. No, sir.

Q. Haven't heard of her death? A. No, sir.

Q. She is alive for aught you know? Sometimes you were short of straw for bedding? A. Sometimes they got out of it; yes.

Q. They got out of straw; and then the other straw would get filthy, wouldn't it? A. I don't know.

Q. It would not be fresh? A. It would not be filthy; it would be worn up, but not to be filthy.

Q. It would be worn up? A. If we have a filthy patient and the bed is filthy, we usually have it changed right away.

Q. I understand, you change your bed; but if the straw was left in it till it was worn out it might, possibly, get filthy. Was

the straw left in the beds till it gets worn out, generally? A. What do you mean, — that it is all worn up?

Q. *All* worn up is a pretty — A. No, sir.

Q. No? I thought it was *all* worn up. We will say *mostly* worn up, — was it used till it was mostly worn up? A. Yes, sir.

Q. About how long would a straw bed-tick last, — the straw in a bed-tick last? A. I could not tell you.

Q. About how long? You have had eleven years' experience. A. It would be owing somewhat to the quality of the straw they had.

Q. I understand; what kind did they have? A. Sometimes they have oat straw and sometimes rye.

Q. Had rye or oat. Then you know more than the doctors whom I examined here the other day; you know the difference between oat and rye straw. Well, which is the best? A. I consider the rye straw the best.

Q. I should agree with you, madam; how long would the rye straw last? A. Well, it would be according to what kind of a patient we had to use it.

Q. Well, about how long? A. It might last one patient, — I have seen some patients that would wear one out in less than a month, break it all up fine.

Q. Break it all up fine in less than a month; and some it would last three to six months? A. Yes, sir.

Q. And that would be about the rate of changing, I suppose? Those that broke it up within a month — A. Would have their beds changed.

Q. At the end of the month, when it was broken up? A. When the straw got broken up and was not good, we changed it.

Q. And in the month or six months that straw never would get dirty? A. No, sir; it would not.

Q. What? A. If we had clean patients it would not.

Q. But if they were not clean patients? A. Well, if we had filthy patients we had them changed.

Q. While you were there first the water-closets were in a pretty bad condition, weren't they, before they got these new ones in? A. When I first went there there was no water-closets in the house.

Q. None? A. No, sir.

Q. Then they put some in the house without water? A. With water; yes, sir.

Q. Didn't they have some there in the house, mere necessities, not water-closets? A. There were water-closets.

Q. What? A. They were water-closets.

Q. Didn't they have some that were not? A. No, sir; not to my knowledge.

Q. You never knew that, even? A. No, sir; not in the house.

Q. Now, were these bathing tubs put in at all,—was there more than one bath-tub before '76? A. More than one?

Q. Down there; yes. A. Why; yes, sir.

Q. You are sure of that? A. I am.

Q. Was there more than one there in 1872? A. There were four bathing-tubs, I think, in the female department.

Q. In that one room? A. In that one room.

Q. How many different bathing-rooms were there? A. There was a bathing-room for the women's department, and one for the men's department, and then, for the insane departments.

Q. That made three. A. A bathing-room in the insane department.

Q. I am glad to see you do know about something else besides your own: pardon me, we are getting along nicely. Now, when were those put in? A. Which department do you mean?

Q. Those that you have just been last talking about? A. In the insane?

Q. Yes. A. I know nothing about the others, when they were put in.

Q. You don't? A. No, sir; I don't know anything about when they were put in.

Q. Yet you are willing to swear they were there? A. I would not swear when they were put in, for I know nothing about the department.

Q. No? A. For I never had occasion to go to the insane department.

Q. Never had occasion to go? A. Very seldom, unless I went with company, sir.

Q. What? A. Very seldom I went there.

Q. Did you go there at all? A. How?

Q. Did you go there at all? A. Not unless I went around with company, sir.

Q. Sometimes you went around with company? A. Yes, sir.

Q. And you didn't go down to the bathing department then, I suppose? A. No, sir; I don't know as I ever did.

Q. Except to show company around there; to show some of your company? A. No, sir; my company I never showed around.

Q. Did you hear at any time of any goods being taken away from the almshouse? A. No, sir.

Q. Never heard of that? A. No, sir.

Q. Did you ever attend the funeral of an inmate there? A. Sometimes I have, when they have had services in the chapel.

Q. What? A. Sometimes to services in the chapel, Sunday afternoons.

Q. Sunday afternoons when somebody was buried from the chapel? A. Yes.

Q. How often did that happen? A. I don't know how often.

Q. Will you swear three times? A. No, sir; I won't swear how many.

Q. Do you remember the tailor, the man who was there tailor to the establishment for a good many years? A. What name?

Mr. BROWN. Joseph Parks.

Q. Joseph Parks. A. I think that I remember him; yes, sir.

Q. He had been long an inmate? A. I could not tell how long.

Q. I know; but quite a respectable man, wasn't he? A. Yes.

Q. Were you at his funeral? A. No, sir.

Q. Do you know whether he had one? A. I could not tell you; I knew nothing about it.

Q. Did you ever hear about having blocks of wood in the coffin buried? A. No, sir; I never did.

Q. Never heard of that? A. I never heard of it till the present time.

Q. Why do you laugh? It seems to be a very jovial matter with you — burying blocks of wood in a coffin. Why do you

laugh? I want to know. A. Well, I never heard of it until within a few weeks.

Q. Well, that was one of the things that was kept from you. You said there were a great many things kept from you. That was so, was it not? How much increase of salary did you get when you were made matron? A. I have twenty-five dollars a month.

Q. How much increase of salary did you get when you were made matron? A. Only four dollars increase. I had twenty-one dollars when I was there before.

Q. Have you the keys of the baggage-room? A. No, sir.

Q. Who is the matron of the baggage-room? A. Miss Locke.

Q. Do you know what her age is? A. I could not tell you.

Q. Can you give me an approximation? A. No, sir; I don't know her age.

Q. You knew her when she had her father and her mother? A. Yes, sir,

Q. Did you know her when she went to school at Lowell? Did you know the fact of her going to school at Lowell? A. I think I heard them say that she went to school at Lowell.

Q. I mean while she was going to school? A. I could not tell you. I know she was living in Lowell.

Q. How soon after that before she became matron? A. I could not tell you.

Q. Within four months? A. I could not tell you.

Q. Can't tell me anything about it? A. No, sir; I could not.

Q. Well, how long did she live at the asylum before she went to school at Lowell; was she born there? A. She never was there at the asylum.

Q. Not with her father and mother? A. No, sir.

Q. When she came she came to be matron? A. Yes, sir.

Gov. BUTLER. I won't trouble you any longer.

Q. (By Mr. BROWN.) I want to ask a single question. Did you ever hear that the Marsh family appropriated the inmates' clothing to their own use, prior to this investigation? A. I might have heard such a report.

Gov. BUTLER. That was the report she was talking about, and she could not tell when within nine years.

Q. (By Mr. BROWN.) You spoke about the clothing being

cut up, and I wanted to know whether it was cut up in the general sewing-room of the institution?

Gov. BUTLER. She said she knew nothing about the sewing-room.

The WITNESS. No, sir; I never knew anything about it.

Q. Did you ever visit that department presided over by Mrs. Thomas J. Marsh, Jr.? A. Occasionally.

Q. That was the sewing-room I refer to. And that room was used, — the persons employed in that room were employed in remodelling and cutting up inmates' clothes?

Gov. BUTLER. If she knows.

Q. Do you know? A. I supposed that was where —

Q. Tell us what you know? A. The new clothing was made there; dresses and underclothing.

Q. Whether you had any knowledge that old clothing was remodelled in any way?

Gov. BUTLER. That is what I want to know.

The WITNESS. No, sir; I don't know; I could not tell you.

Q. (By the CHAIRMAN.) What year was it, Mrs. Sanborn, that you had charge of the infants? A. I could not tell you, but I think it was somewhere in 1873 — some part of 1873 and 1874.

Q. 1873 and 1874? A. I think so.

Q. To what did you attribute the great mortality among the infants? A. Well, a great part of them, I should think, came there diseased.

Q. What part? A. I could not tell you what part, but there was a great part of them.

Q. The governor suggested here that they lived as long as you would allow them. Do you know of anybody, you or anybody else, doing anything to take the lives of those infants? A. No, sir; I never did.

Q. Did you ever hear of any such thing at the institution? A. No, sir; no, sir.

Q. Did you know Eva Bowen? A. I did not.

Q. Did you ever hear at the institution anything about an attempt to kill her? A. No, sir.

Q. Or her child? A. No, sir.

The CHAIRMAN. That is all.

Q. (By Gov. BUTLER.) One moment: I want to ask you a question. What do you mean by disease, madam? Do you mean — give me your idea. When you said they were all dis-

eased — no, no, a large portion of them were diseased, what did you mean? A. We should call them syphilitic.

Q. When you told the chairman that a large portion of them were diseased, you meant they were syphilitic? A. I should say they were.

Q. How large a portion of them were syphilitic? A. I could not tell you how large a portion.

Q. About how large? Two-thirds? A. I should judge there might be two-thirds.

Q. Two-thirds syphilitic. And that was the case with all the infants that came there; two-thirds of them were syphilitic — the foundlings. And you mean to swear to that, do you? A. I could not swear to it.

Q. That is your opinion? A. That would be my opinion.

Q. That is your opinion. That is what you meant when you answered the chairman in that way. Now, I observe the chairman put some stress on the word allow. What did you do to prevent their dying? A. To prevent their dying?

Q. Yes. A. We had a physician there, and he ordered their medicines given, and we gave it to them and took care of them.

Q. And in spite of all that they all died so far as you know? A. Yes, sir.

Gov. BUTLER. I am surprised that disease is so prevalent. The record will show a different state of things.

TESTIMONY OF PHEBE A. MERRILL (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Phebe A. Merrill.

Q. Where do you reside? A. My home is in Lawrence. At present I am at Tewksbury.

Q. How long have you been at Tewksbury? A. Four weeks last Thursday.

Q. You are one of the new appointees? A. Yes, sir.

Q. Had you ever been at Tewksbury before? A. Yes, sir.

Q. When? A. A part of the year 1879, and a part of the year 1880.

Q. What did you do in the year 1879 and '80?

Gov. BUTLER. How large a part of the year?

The WITNESS, I went there as supernumerary, to take the places of matrons while they went on vacations — a part of them — and afterwards I was given a place there.

Q. How long were you there? When did you go there in 1879. A. I think I went there about the middle of July, 1879, and left there the middle of April, 1880.

Q. And from July, 1879, to April, 1880, you were there continuously? A. Yes, sir.

Q. In what department did you serve? Were you in the insane department?

The WITNESS. I wish to correct a mistake in my testimony.

Mr. BROWN. Correct it, if you desire to.

The WITNESS. It was 1881 instead of 1879 and '80.

Q. The other dates are correct? A. The other dates are correct.

Q. In what departments did you serve? A. The first two weeks I was in the institution I was in the insane department, asylum No. 2.

Q. Whose place did you take? A. Miss O'Connell's.

Q. Afterward whose place did you take? A. I was afterwards taken to No. 20, the children's ward.

Q. Was that the foundling ward? A. Yes, sir; it had been.

Q. How long were you there? A. The remainder of the time I was in the institution.

Q. What was the condition of No. 20, as you call it, at the time you were there? A. In what respect, sir?

Q. Well, in any regard. Take the matter of clothing, beds and bedding, etc.? A. Everything was perfectly cleanly as far as it could be kept with that amount of children.

Q. What labor was used for keeping the institution clean? A. The floors were swept; the beds changed, and the children washed and cleaned.

Q. Who was the physician in charge of that department when you were there? A. Dr. Pease a part of the time, and Dr. Wilkins the rest.

Q. This Dr. Pease is now the wife of Dr. Abbott? A. Yes, sir.

Q. Now, while you were in the institution did you ever hear anything of more than one patient being bathed in the same water? A. No, sir.

Gov. BUTLER. This was in the foundling ward, No. 20; I understand she was not in the insane department but a short time.

The WITNESS. I was there only two weeks.

Mr. BROWN. That was long enough. It didn't take two weeks to bathe the insane patients.

Q. Well, what bathing apparatus was there? A. Iron bath-tubs.

Q. Do you recollect how many? A. I could not give you the number.

Q. More than one? A. Yes, sir; but I don't remember the number. There may be four, or five, or six, I could not say which; in the department I was in.

Q. At what table, — where did you take your meals? A. In the main building of the house, at one of the officers' tables.

Q. Now, during the time you were in the institution, did you ever hear any complaints from the inmates, or anybody else, that the inmates' clothing was taken and appropriated so that they could not get them? A. No, sir; I did not.

Q. During the time you were there did you know of the existence of the sewing-room, over which the wife of Thomas J. Marsh, Jr., presided? A. Yes, sir; I knew there was a sewing-room, I didn't know who presided over it.

Q. You didn't know who had charge of it? A. No.

Q. Were you ever there? A. Well, I was there the first time; I don't think I was there more than that.

Q. Did you see Mrs. Marsh, the younger, there? A. No sir.

Gov. BUTLER. That accords with our evidence.

Mr. BROWN. Yes; your people say she was not there, and I say there was no occasion for her being there, because she was not employed.

Cross-examination by Gov. Butler.

Q. A word or two, madam. I want to ask you if I understand you. You said that this room, No. 20, or ward No. 20, whatever you call it, was clean, so far as it could be kept — the beds and everything were kept clean so far as they could be with regard to the amount of clothing they had? A. No, sir; I didn't say so.

Q. I so understood you? A. No, sir; I said with the children we had; with what we had to get along with — that is, the children. You cannot keep a child always clean.

Q. Can't you? A. No, sir. They cannot be always clean — those children we have there could not.

Q. Are you a married woman? A. I have been, sir.

Q. When? A. I was married in 1855.

Q. Any children? A. Yes, sir.

Q. How many? A. Two.

Q. What was your business in Lawrence at the time you were sent to take charge of this place? A. I had been tending in a store part of the time.

Q. During the other time? A. Keeping house.

Q. And you were brought there to take the place of Miss O'Connell, while she went off on a vacation? A. Yes, sir.

Q. Were you put in sole charge? A. No, sir.

Q. Who was the nurse over you? A. Mr. and Mrs. Bean.

Q. Where are they? A. They are there at the present time, sir.

Q. They were the head nurses, and you —? A. I was one of the attendants.

Q. You were there as an attendant. Is Mr. or Mrs. Bean here, do you know? A. I don't know.

Q. Have they been down here, to your knowledge, within the last four weeks? A. No, sir; not to my knowledge. They may have been here.

Q. And you never had anything to do with the insane people, I take it? A. No, sir; not particularly.

Q. And you were put in as an attendant on the insane, and then you were put in — did you have sole charge of this room, No. 20? A. No, sir.

Q. You were simply an attendant there? A. I was there to take one of the matrons' places. There were two matrons there, and I took the place of one at a time.

Q. How many children had you there? A. I have not the numbers.

Q. Well, about how many; the average? A. We had from 35 to 40, and sometimes 45; but I don't think they would average 40.

Q. You don't think it would quite average forty? A. No, sir.

Q. How young were those children? A. Anywhere from a year and a half to ten years old.

Q. Were there any under a year and a half? A. I don't think there were, with one exception; we had one little one brought there eleven months old.

Q. None under eleven months. Were there any children born there while you were there? A. No, sir.

Q. None whatever; and you had charge of the room where all the children were? A. They were divided up, the rooms were, during the day. I did night work there part of the time.

Q. Then they were under your charge? A. Yes, sir.

Q. And if there were any younger children there than those in the establishment, —ever had been born there, —younger than eleven months, they had died off; for some reason, they had gone? A. That house, the ward where I was, was not used for that purpose.

Q. For the purpose of keeping children? A. For the purpose of keeping younger children.

Q. You were not there where the younger children were. Was there another ward where the younger children were? A. Yes, sir.

Q. How many were there? A. I could not tell you.

Q. Ever in it? A. I have been through it.

Q. Frequently? A. Not very.

Q. Did you attend to bathing the insane patients at all? A. Twice while I was there; in the two weeks I was there they were bathed every week.

Q. Now, these were children, with the exception of one under a year old, a year and a half old and upwards? A. Yes, sir.

Q. Any difficulty in keeping that class of children clean? A. Well, I think there was, sir, considerable.

Q. Were they different from any other children? A. I don't know as they were different from other children taken as those were, with so many different dispositions and different —

Q. Precisely so; they had different dispositions? A. They were different to get along with from other children.

Q. They were from a year and a half to two years and upwards? A. They had not been taken care of before they came there, and of course it would take considerable time to teach them to be neat and orderly.

Q. Any of them come there while you were there? A. Yes, sir.

Q. How many? A. I could not tell you; they were coming and going.

Q. More than one or two? A. More than one or two come while I was there?

Q. Yes. A. Yes, sir.

Q. Now, you were there—. How many people were there

in that establishment that know more about it than you do? A. In what establishment?

Q. In the whole. A. In the whole institution?

Q. Yes; that knew more about it than you do? A. There are some there that ought to know a good deal more.

Q. Do you think you know more than they? A. No, sir.

Q. Well, you were brought here, having been there a short time, when there are large numbers that ought to know more than you, for they have been there a good deal longer? A. I suppose people that have been there year after year know more about it than I do.

Gov. BUTLER. I certainly should think so myself; I agree perfectly; therefore I want to know why you were brought here.

Mr. BROWN. Because she was one of the new appointees.

Gov. BUTLER. Pardon me; I am not responsible for that.

Mr. BROWN. I thought you were.

Gov. BUTLER. Oh, no; not by any means.

The CHAIRMAN. Let us not go into that now.

Gov. BUTLER. Not at all. And I would not bring anybody on that account; because from head to toe, as the thing is managed now, I am not satisfied with it, and shall in all proper ways manifest my dissatisfaction with it. Don't make any mistake about that.

TESTIMONY OF FREDERICK GIGAULT (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Frederick Gigault.

Q. And where do you reside? A. I reside at Lowell.

Q. How long have you resided there? A. Nearly seven years.

Q. And what is your office in the church? A. I am Oblate Father, belonging to the religious society of Lowell.

Q. Of the Catholic Church? A. Of the Catholic Church.

Q. Now, for how many years have you been in the habit of visiting this almshouse at Tewksbury? A. Six years regularly, and a few times before.

Q. Now, during the first year, when you went a few times, how many times did you go? A. I think about three or four times.

Q. During the last six years how frequently have you been

there? A. Well, I have been regularly about three times a week.

Q. For what purpose have you been there? A. I have been there for sick calls, for funeral services, and for holding the religious service on Sunday, — the last Sunday in the month.

Q. That is to say, you performed religious services there in the chapel on the last Sunday in each month? A. Yes, sir.

Q. The services of your church? A. Yes, sir.

Q. To those who desired to attend? A. Yes, sir.

Q. And three times a week, aside from that, did you go there? A. Yes, sir.

Q. So that the last week in the month you would be there four times? A. Yes, sir.

Q. Now, how frequently do you go there to perform the funeral rites over the dead? A. Well, it depends on the circumstances; but as I go three times a week I thought I could meet all the cases for funeral services, and so I used to go on the same occasion for ministerial duties and for funeral services, at the same time.

Gov. BUTLER. And he took the same occasion to do both, I suppose.

Mr. BROWN. Yes.

Q. That is to say, it was convenient for you to go there three times a week. And did the authorities so arrange that you, on these occasions, could perform the funeral service over the dead of your church? A. Yes, sir. Sometimes they would call for me when I would be needed at some other time. — send a messenger.

Q. And you were called upon in addition to that sometimes? A. Yes, sir.

Q. Now, Father Gigault, did it ever come to your knowledge that any person of your faith was buried without any funeral rites, or without notice to you, during these six years? A. I have performed religious services only since 1879. In that year I began. Before that there was no funeral service; but I don't remember of any case that anybody was buried without any funeral service, of those that belonged to my church.

Q. Now, when you say that since 1879 there have been funeral services, and before that you don't recollect that any one was buried without some service, what distinction do you intend to make?

Gov. BUTLER. He says before that there was no funeral service.

Mr. BROWN. There were other services.

Q. Now, I want to know what distinction you make between those before 1879 and those since? A. I never performed any before 1879; there was none.

Q. Was there anybody else who performed the services of your church? A. Not for the Catholic people.

Q. Was there any other service? A. I don't know of any.

Q. Since 1879, have you had any occasion to know that one of your faith was buried without funeral services? A. I don't know; I don't think so.

Q. Now, there are clergymen of other denominations who visit the institution, are there not? A. Yes, sir.

Q. Do you know of what denomination they are? A. I think—I don't know exactly—there has been sometime, I think, that the Baptist minister has been there; and the Episcopalian and the Congregationalist minister, too, used to go there.

Q. Now, is not this the fact, that the clergymen of the different denominations sort of divide up the time in each month,—if you know anything about it? A. Yes, sir.

Q. You have the last Sunday of the month, and some one of the others have services upon the other Sundays of the month? A. Yes, sir.

Q. Well, sir, whenever you have been to Tewksbury, have you had occasion to know that funeral services were performed over the dead there by clergymen of other denominations? A. Yes, sir, I have heard of it, and I saw it once or twice myself.

Q. Now, these funeral services were performed in what is called the chapel? A. Yes, sir.

Q. And they were such services as were usually performed in your church? A. Yes, sir.

Q. Well, during the seven years you have visited, I suppose, every part of that institution, have you not? A. Well, I think so.

Q. You have been in the insane department? A. I have been there; yes, I have been there. — not in every room, but in the building, — I have been there at different times.

Q. And you have had free access for the purpose of consulting with those people in regard to spiritual matters? A. Yes, sir.

Gov. BUTLER. What! Insane people?

Mr. BROWN. Yes, sir. Oh, yes.

Q. Well, now, have you performed at the institution the baptismal rites? A. Yes, sir; I did.

Q. And to what extent? A. About one hundred baptisms every year. Some years I had more. About one hundred native one year. When there were no foundlings I didn't have so many. At the time the foundlings were there I would have more.

Q. Did you perform funeral ceremonies or rites over foundlings who died? A. Yes, sir; I did.

Q. Could you tell how many? A. I could not tell exactly. The foundlings were received in the institution only the three first years that I was there, I think, 1877, 1878, and 1879. They were received before; but since, I think, about 1879, they didn't receive them; about the end of the year, if I am not mistaken, but I am not quite sure about it.

Q. Now, Father Gigault, did you ever know of a case where a child, whose parents were of the Catholic faith, and desired to have the child baptized according to the rights of the church, where that baptism didn't take place at that institution? A. I don't know of any case.

Q. Now, take the hospital department, both men and women; did you visit those departments frequently? A. I used to visit the hospitals regularly three times a week, and the other departments only occasionally, — once a month, — when I would be wanted there, or when I thought I ought to go.

Q. And I suppose you have been through the institution many times? You have been to the institution many times when your approach was not announced? A. At different times.

Q. How did you usually go from Lowell to Tewksbury? A. By the Boston & Lowell Railroad, or by the Boston & Maine.

Q. You walked up from the depot? A. Well, the team of the institution would come to the station, and I would go by the team generally.

Q. Was it known what day you were to be there? A. It was generally known.

Q. Did you go there many times when it was not known that you were to be there? A. In the first years, I used to go pretty often when it was not known.

Q. Now, during all your visits to Tewksbury, in all its

various departments, sane and insane, have you ever had occasion to call the attention of any officer of the institution to any uncleanness which you have discovered there? A. Well, I made it always a point not to look at the temporal administration of the house, because going there only for my religious ministrations I thought it would not be convenient. It would not be right for me to go with a scrutinizing spirit; so I didn't see anything that I would find faulty in that regard, and I had no occasion to say anything.

Q. That is to say, you didn't consider it your business. You now recollect that you don't remember observing anything that you cared to find fault with? A. I don't think I would remark anything.

Q. Well, now, I suppose you talked with a great many sick people? A. A great many, sir.

Q. Now, Father Gigault, I want you to state fully and frankly, if you have anything to say, what you saw, and in what regard you think that institution could be improved in its hospital or any other department, so that the inmates could be made more comfortable, and their surroundings more pleasant and happy.

Gov. BUTLER. Well, I don't think you have shown that the Father is an expert in these things.

Mr. BROWN. I don't think it requires an expert to tell how somebody else might be made happy.

Gov. BUTLER. If it depends upon their physical condition, in regard to health.

Mr. BROWN. Oh, no; that is a matter of common knowledge.

Gov. BUTLER. I won't interpose any objection, because I want to ask the Father some questions.

The WITNESS. Well, I would not like to give any opinion about that matter, because I always made it a rule not to talk about the administration of the house there, because I liked to be limited only to spiritual administration.

Q. Well, I will put it to you in this way: You have had a great many opportunities of seeing people there and talking with them, and I will take it in the cases of those who died, to whose last hours you administered. What do you now recollect, in any case, would have made the patient more comfortable? A. Well, I never made it a point to form any judgment about that, because I thought I should not take it as belonging to my duty, and I would not like to interfere with anything in

the administration of the house ; so I didn't form any judgment on that point, nor have any intention to form any.

Q. And you don't like to express any opinion about it? A. I don't like to express any opinion in that regard, because I think I am not qualified for it.

Gov. BUTLER. The Father differs from you.

Mr. BROWN. He is more modest than I.

Gov. BUTLER. I didn't say what the difference was.

Q. I suppose you heard complaints sometimes? A. Not many. I should say I don't remember any serious complaints. I am not in the habit of listening to complaints. Any complaint, I think, should go to the proper authorities. I would not go there only for these duties.

Q. But I suppose that when you met a new person, in the hospital, for instance, that person would have no means of knowing that you were not in the habit of listening to complaints, and so they might make a complaint to you? A. Well, I said publicly, so that they would know, that I would not listen, so that, perhaps, when I came they would know it.

Gov. BUTLER. I think you will find that to be the rule of the church.

Mr. BROWN. Well, I have no doubt it is. The rule of the church is that every man should be reasonably contented with his situation.

Gov. BUTLER. No ; that is not the rule. The rule of the church is that they never interfere with temporal affairs.

Mr. BROWN. That is very true. But they advise people to be decently satisfied with their situation.

Gov. BUTLER. And the situation would be very bad before their church priests would make complaint.

Q. You have had some experience in the management of foundlings in foundling institutions, have you not? A. I have heard a good deal about it, but my experience is only what I have seen at Tewksbury, and what I have heard from different persons connected with other institutions.

Q. Now, to what institution do you refer? A. Well, the institution at Montreal — because I came from that place — the foundling institution.

Q. What was the name of that institution ; the Gray Nuns? Is it kept by the Gray Nuns? A. Well, I don't know very much about it ; I have heard about it at different times, that is all.

Q. Do you recollect the name of it? A. I cannot tell exactly.

Q. I suppose you saw many of the foundlings that came to Tewksbury when they first arrived? A. I saw them every week. I used to baptize the foundlings. About every visit in the week I used to baptize them.

Q. And I suppose many of them had been there but a short time when you baptized them? A. Some had been just received; some others had been there a few days.

Q. Do you recollect in regard to the state of health of any of those you baptized? A. I saw that some of them were in a dying state, very low, and could not live, from their appearance. I would judge that when I was there, and experience proved it to be true.

Gov. BUTLER. That, I suppose, was the reason for baptism.

Q. Now, do you recollect any that you baptized, in a dying condition, that had only been a short time in the hospital? A. Well, it is so many years ago, I cannot recollect exactly, but I think so. I am not quite sure. They hadn't been very long in the house, any way. I don't know whether they had just been received or not.

Q. Well, now, is there any suggestion, Father Gigault, that you would like to make in regard to the management of the institution, so as to give you better facilities for performing your duties as a clergyman? A. Well, I so named, in the insane department, that perhaps I could do more good than I have done; that is the only place where I would think, from what I have heard, and from what I think and know, that there could be some improvement.

Q. Now, what improvement do you suggest there? A. Well, I think that as there are some of those people that get their trouble more from the heart, exactly, than from the head, if there could be more persons there that would communicate more intimately with them, it would do them good from a religious point of view than from a physical point of view. They are very well taken care of, I think, for all other purposes; but I think if there were some Catholic ladies among the nurses, this would improve in some way; they would do more good, some of them. That is my impression.

Cross-examination by Gov. Butler.

Q. Father Gigault, from whom, — taking the cases of these foundlings, who would call upon you to baptize them? They hadn't any parents of course. A. Well, I was called by the attendant of the foundlings, generally. I was told that there were such and such children to be baptized.

Q. Well, how did you know? I suppose you baptized all, whether of your faith or not, then; because, how could you tell? A. Well, sometimes the attendants would tell the children from their names, as belonging to Catholic parents, I would suppose; or some other reason of that kind. I did not scrutinize the reason. I baptized them when I was asked to.

Q. I suppose you believe in baptizing all children of whatever faith, if you can be properly permitted to do so? A. I believe in baptism, of course.

Q. And, therefore, sometimes names were given by the attendants or superintendents, or whoever they were? A. I say sometimes I suppose the names were given by attendants, what names should be given.

Q. Well, if it was a foundling they gave a special name; or sometimes they had a name written on a piece of paper? A. I don't know.

Q. I believe, according to your form, you name the children when you baptize them. Somebody gave you a name on a piece of paper; was that it? A. Well, I don't recollect exactly; I suppose it was done that way.

Q. And you caused it to be known, as a part of your duty, that you didn't interfere with the conduct of the institution in any way. You came only to look after the religious condition of those that you went to minister to? A. Yes, sir.

Q. And you, as a rule, only ministered to those who were in the last stages? A. I administered —

Q. The last stages of life? A. Yes, sir.

Q. Preparing for death. And when you talked with them you talked about their hopes for the future rather than about what had happened in the past? A. Yes, sir; I did.

Q. Now, when you performed funerals there, did you receive any compensation? A. I did.

Q. From whom; from the institution or from the parents? A. From the institution.

Q. And did you receive compensation for your weekly

visits and your monthly services? A. For my monthly services, I did.

Q. And for your weekly visits? A. I did not.

Q. The weekly visits were made for the proper ministrations of your office to the sick and the dying? A. Yes, sir.

Q. What was the compensation for the Sunday services? A. Five dollars.

Q. That is what I find they charge, — at that rate per week. And at that burial service were you called by the parents? Did they come for you to Lowell, — parents or friends, brothers or sisters? A. I was not called by anybody. It was only by a rule of the institution that every one was buried according to his religious belief.

Q. According to their belief they were buried? A. Yes, sir.

Q. Have you any memorandum or record of the number of children you attended? A. I did keep a memorandum; yes, I have it.

Q. What? A. I did.

Q. Have you got it? A. Well, I have got it. I didn't bring it with me. I took some notes before I left.

Q. Have you got that memorandum at home? A. I have it, but in poor form.

Q. Well, it is good enough for our purpose. A. I used to give to the institution a list of all the funeral services that I performed. I used to give it every month, or every two months.

Gov. BUTLER. Every two months you gave it. So that they have a record somewhere, or ought to have, of the number of funeral services that you had performed. And you have that; and they have not produced any such list here; and, therefore, I shall have to ask you to bring to me your list on Monday when you come down. Bring your list of all that you have, so that we may have it, to make such comparison.

Q. Now, Father, when you performed these funeral services as a rule were their friends there? A. They were not there generally. In some instances they were there.

Q. But as a rule they were not. And you understood you were performing services over everybody that died there who was supposed to be of your faith? A. Yes, Governor.

Q. And you went on from 1879 up to now. Now, then,

whenever anybody died of your faith they were buried, and you were called upon to perform the last rites? A. I did.

Q. You would have been a good deal shocked to know that a great many were sent off to be dissected, and you didn't perform the funeral service, wouldn't you? You would have been shocked if that fact had been brought to your knowledge? A. Well, I knew it was necessary in some cases, and it was the rule of the State, and so I was not exactly shocked by it.

Q. But I say if you were performing funeral services? A. Well, I did perform funeral services over all the bodies, I think.

Q. But suppose you had ascertained then and there, Doctor, as we have ascertained here, so far as the evidence goes, that you were performing the service over a coffin filled with pieces of wood; you would have stopped pretty quickly, wouldn't you? A. If I would know it, of course I would not do it.

Q. Of course, I don't suppose you would. Now, then, your idea was — I think I have got it clear, if I haven't you will correct me, — that you were called upon — you were always called upon by the authorities of the institution to come down there — you were called upon to come down there and perform funeral services whenever anybody of your religious faith died? A. I think I was always called.

Q. That is what you understood to be the fact? A. Yes, Governor.

Q. And you understood the same in regard to other clergymen, that when people of their religious faith died they were called upon, as you were, to perform funeral services over persons of their faith? A. Well, I didn't pay attention to that; of course I thought it was so.

Q. You understood it so, and you went and gave your services on that understanding gratuitously to the State and to your people. A. Yes, sir.

Q. And you have been going on then for four years with the understanding that whenever anybody of the Catholic faith died at that institution you were sent for, and you performed religious services —? A. Yes, sir.

Q. And they were buried. And, generally, when those were buried they were those to whom you had administered extreme unction on the death-bed? A. Generally; some cases of sudden death.

Q. Well, then, that could not be; then the way this matter went on was this: you, in the ministrations of your church, went

down there to Tewksbury, and a man was sick, evidently his last sickness, about dying: you would minister extreme unction — man or woman — and then you would be sent for to perform the duties of burial over that dead person? A. Well, as I came regularly three times a week they didn't send for me except —

Q. Either you would do it regularly, or else come on purpose, if necessary? A. Yes, Governor.

Q. How large a proportion of the people there, do you think, were of your faith? A. Well, I think about four-fifths; I cannot tell exactly; two-thirds or four-fifths.

Q. Well, is it the habit, — is it not the habit among the lower classes of foreigners, and perhaps some of the highest in some cases, to have religious emblems upon their persons, such as crosses, etc? A. They used to have it.

Q. What? A. Yes, Governor; sometimes they would have something of this sort.

Q. And sometimes very elaborate, and they sometimes showed that to the priest? A. They did.

Q. As evidence of their religious faith. Sometimes they are put upon the arm, sometimes upon the breast, — everywhere except the face; they didn't tattoo their faces. Now, Doctor, — I don't know but you are a doctor, a D.D. — now, Father, you had occasion to see a good many people at Lowell that were diseased and wanted to go somewhere. Or rather, before I go to that — [producing a piece of skin with a representation of the crucifixion and certain words upon it] — perhaps you may recollect that man, that cross; won't you look at it? A. I knew him.

Q. Did you know him? A. Of course.

Gov. BUTLER. Now, if you will give me the register — he tattooed it on him and there is no doubt about him — his name is on the register, and in 1879 he died.

Q. You remember that? A. I never saw that before.

Q. Are you sure? A. I don't remember.

Mr. BROWN. This is C. T. Eklund. Are you going to offer it in evidence.

Gov. BUTLER. Yes, sir.

Mr. BROWN. The witness says he never saw it before.

Gov. BUTLER. I asked him if he saw things of this sort.

Mr. BROWN. He said he had; but when you asked him if he ever saw this before, he said no.

Gov. BUTLER. Now, I propose to follow it. Now, I propose

to begin here, and I think I can call it to the witness' mind. He never saw this before, but whether he saw it on the man's breast like that is another question which I am going to ask him when I can get his name on the register. No other man, I trust, ever saw anything like that before.

The CHAIRMAN. This is offered in evidence?

Gov. BUTLER. Yes; I am going to offer it in evidence.

The CHAIRMAN. What do you claim it is?

Gov. BUTLER. It is a piece of skin with a tattoo of the cross, with the mark of the cross, an etching of the cross in India ink, on the body, on the breast of a man who was an inmate at Tewksbury, and who I am going to trace.— his skin,— until I bring it here.

The CHAIRMAN. I understand you are going to trace this to Tewksbury.

Gov. BUTLER. Yes, sir; I am going to trace this in a moment, because I am going to get the registry of this very man. He took the precaution to put his name and the time of birth on his breast under his cross.

The CHAIRMAN. For what purpose is this offered? I don't quite understand it yet.

Gov. BUTLER. Well, there are two or three purposes. In the first place, I am going to show that while this man made the funeral rites over this body, that this body was really being cut up in Harvard College, and skinned; and I have got a piece of the skin. And it has the name of Tewksbury upon it—the name under which he was registered at Tewksbury. Therefore I think I shall stop the doubts of those doubting Thomases who doubt whether any portion of the paupers at Tewksbury were skinned, and their skins used.

The CHAIRMAN. Do you trace it back to the management at Tewksbury?

Gov. BUTLER. To the management; yes, sir. My proposition is this: Let us have no mistake about it. They allowed this reverend clergyman, a Father of the Catholic church—that man being a Catholic, with the Saviour on the cross etched on the skin of his breast—that they allowed this man to make the mummery—for it was so—of a funeral service over that man, when that man was sent to Harvard College—medical school—and there that piece of skin was taken out, with his name upon it corresponding to the register, so that there will be no doubt about it.

THE CHAIRMAN. We have had pieces of human skin, or what purported to be human skin, put in here on two or three occasions; but so far as I recollect, there has been no evidence connecting Tewksbury with it. Now if you propose to show here that the management at Tewksbury has been connected with this, it seems to me to be competent. Do I understand your Excellency proposes to show that?

GOV. BUTLER. I have stated with great particularity my purpose. What I propose to prove is this: I have got so far as to get this Father, who swears that he supposed that upon all persons of his faith he was called by the institution to perform the last sad rites over their remains. I will show by the register that this man was in Tewksbury: that he died in Tewksbury, and he died on a certain day. I then propose to show that a short time after he was dead, and buried with funeral rites, that he was found in Harvard, that piece of human skin was taken from his breast with the etching of the crucifixion on it, and produce it here by the man who took it; and I call that connecting it with the management. And I am sorry that the recollection of the chairman is so short on this question of connection. We have had many pieces of human skin -- five different pieces -- and, we have shown, got at Harvard College, and taken from there and tanned and made into shoes, -- except that I arrested the performance. And then it is in evidence that the largest proportion -- and, so far as we hear, substantially all of the bodies -- came from Tewksbury, where they were in trust that the remains should be decently buried after death there. And it is not claimed up to this time that anything was done to carry out that portion of the law.

THE CHAIRMAN. I understood Dr. Porter to say that they had bodies from different places, and he gave the number -- seventeen, I think, in one year.

GOV. BUTLER. Precisely. Seventeen out of one hundred and thirty odd. Now, what doubt, upon a case of circumstantial evidence, that they only skinned some of the seventeen, and left the others of the one hundred and thirty unskinned.

THE CHAIRMAN. You are going to argue that it is probable that some of these pieces of skin came from Tewksbury.

GOV. BUTLER. Not only probable, but nobody whose mind is not blinded --

THE CHAIRMAN. No matter about that, Governor.

GOV. BUTLER. -- by prejudice will doubt it.

The CHAIRMAN. No matter about that, Governor. I don't understand — and if I am wrong the committee will correct me — that there is any evidence, what we call a scrap of evidence, that anybody from Tewksbury has ever been skinned. Now, if any member of the committee understands differently, I desire to know it.

Mr. PUTNEY. I suppose the governor —

Gov. BUTLER. I intend to clinch it. I knew I had got some doubting Thomases.

The CHAIRMAN. Yes; you have got them.

Gov. BUTLER. And I mean to hold them so they can't wiggle. [Applause.]

The CHAIRMAN. There is one thing we can do; we will clear this hall.

Gov. BUTLER. I certainly have no objection.

The CHAIRMAN. For one, if any more human skin is to be put into this case, I desire to have it distinctly understood that Tewksbury is to be connected with it.

Gov. BUTLER. I think I will connect this one. I have no doubt I have connected the last. Upon that I appeal to the tribunal.

The CHAIRMAN. You appeal to the committee. Have you anything to say, Mr. Brown.

Mr. BROWN. I was simply going to say this, Mr. Chairman: His Excellency offers this evidence, as I understand it, on the ground — and if I do not state it correctly I wish he would correct me, — on the ground that he is going to show, not only that this man came from Tewksbury and was subsequently skinned somewhere, but that this Father Gigault went through what he calls the mummary of performing funeral rites over a coffin which contained no body in it.

Gov. BUTLER. Probably not; because a body can't be in two places at once.

Mr. BROWN. Well, now, Father Gigault has already said that he never would have performed the religious rites over a coffin which didn't contain the body of the deceased if he knew it. Therefore, His Excellency cannot get from this witness the fact that he performed the funeral rites over this body. He must show by somebody else what took place. Now, it is a very astonishing proposition to my mind, and it strikes me with a great deal of force — and if His Excellency intends to express an opinion I would like to have it understood — if he

claims that the body of a person which the State had a right and the authorities had a right to say should be dissected, should be deprived of the last religious rites, I would like to know that. If that is his proposition it is a very astonishing one, and I should like to know it. I cannot see any difficulty — it may be because I am remarkably insensible to these things — I cannot see any objection, if a body must be dissected, to having the funeral rites performed over it first. I think that is the more decent way to do. I don't know why a man's body should be deprived of funeral rites because somebody is going to dissect it afterwards. So that this proposition of His Excellency amounts to nothing whatever. He has confessed that he cannot prove anything by this witness. This is for mere show; it is for the country, and nothing else.

Gov. BUTLER. May it please the committee, I have proven by this witness that every man of his religious faith he was called to administer the funeral rites over his body. The fact that that man bore that picture of the crucifixion tattooed on his breast, settles the question in my mind, and in the mind of any unprejudiced person, that he was of that religious faith. Now, then, having proved that much on the one hand, I propose to prove, first by the records in this form —

Mr. BROWN. I object to reading the record.

Gov. BUTLER. [Reading.] Fifty, five aught eight —

Mr. BROWN. Especially as I have had no opportunity to examine it.

Gov. BUTLER. Examine it to your heart's content.

Mr. BROWN. I always do when I examine at all.

Gov. BUTLER. I guess not. You are sometimes very discontented with them.

Gov. BUTLER. We will trace him right through till we get him to the funeral.

Mr. BROWN. Which is the one you claim? [Referring to the record.]

Gov. BUTLER. That is it. [Indicating.] No. 50,080, isn't it?

Mr. BROWN. Let me see the register. Is the register [referring to register] No. 50,508 —

Gov. BUTLER. We have another entry. Here is another entry of him, too.

Mr. BROWN. I object to this, now that I have examined, for the reason that this shows that the man was sent from Tewks-

bury to the Bridgewater Workhouse — entry right on the margin. "Sent to B. W. H., October 24." Nothing to do with Tewksbury.

Gov. BUTLER. Precisely so.

Mr. BROWN. Unless you show something else.

Gov. BUTLER. The difficulty is I cannot do it all at once. You insist upon reading the books. I have got the Tewksbury record, and I have got "Echland, Charles J., 62 years old, from Stoneham, October 14, 1876, Sweden. See 13, M. H. Records."

Mr. BROWN. Beg your pardon. This [the skin] is C. T. and not C. J.

Gov. BUTLER. I am not responsible for that.

Mr. BROWN. Not only that; this man was born in 1820, and your man was not born in that year.

Gov. BUTLER. We will see about that. You are now upon the value of my evidence, and not upon its competency. [Reading.] "Echland, C. J., 64 journal folio, July 10, 1878; 62 (apparently 62 folio), Sweden, 50,508, sent to Bridgewater Workhouse; thence here; died August 3, 1879." Here is the new entry. He was first on the records as 50,080, and went to the Bridgewater Workhouse. He comes back on the records 55,140, and he died April 3, 1879.

Mr. BROWN. Yes; and your man was 62 years old in 1876, and this man could only have been 59.

Gov. BUTLER. For that you put 62 folio for 62 years: If you look into the journal you will find out all about it. I would not make up my mind so soon; because we examine these things before we bring them here. And it is Charles J. in this book and it is Charles C. in the other.

Mr. BROWN. Well, it is C. T. on the body and no C. J. about it.

Gov. BUTLER. Well, we will trace him.

Mr. BROWN. It is Charles J. on the register of the institution. This man was born in 1820. Your man must have been born in a different year.

Gov. BUTLER. Why?

Mr. BROWN. If you have read the record correctly.

Gov. BUTLER. I have read the record correctly.

Mr. BROWN. That is, if that is what it means; if it don't, you had better interpret it.

Gov. BUTLER. Pardon me; I don't need any interpretation.

He tells us here, I think, when he was born. He puts it in Swedish — the 7th of March, 1820.

MR. BROWN. Then he would have been 56 years old when he died, instead of 59.

GOV. BUTLER. Precisely so. But the 59 is your record.

MR. BROWN. No; that is what you have read.

GOV. BUTLER. Pardon me; I have read the record of your institution, which I have never found correct whenever I could trace it at all. Don't hold it to be my record. I never would have had such a record, or such accounts, if I could have helped it; and I am helping it as fast as I can.

THE CHAIRMAN. There is one question here that seems to me to be the test of the admissibility of this evidence.

GOV. BUTLER. I was about to state, when I was interrupted, sir. I have now shown that this man died in this institution. I propose to follow it up and show that this man's body was found in the dissecting-room, and dissected, and this piece taken out of him, which is produced here in order to settle the question whether any one of these dead bodies that were in Tewksbury were skinned in Harvard or elsewhere.

THE CHAIRMAN. Now, supposing, for the sake of the argument, that we concede that every body that went from Tewksbury, a great number to Harvard, supposing we concede that every one of them was skinned.

GOV. BUTLER. Concede that and I am satisfied.

THE CHAIRMAN. Now, if you don't bring that home to the management at Tewksbury, what does it amount to for the purposes of this hearing?

GOV. BUTLER. I will tell you what. It amounts to this: Concede that in regard to this one. The management of Tewksbury took him and sold him — got this reverend clergyman to administer the last sad rites over an empty coffin — for we have shown an empty coffin, where once there was a burial, if the witness is to be believed, and he has not been contradicted here; and we produced the coffin; he designated one, and we went and got it up — and we say that that is a desecration of the body, of the remains, and a desecration of our holy religion, because upon those points all believe alike, and that this was done by the management at Tewksbury. They rendered it possible to be done. And if they, for a quarter of a century, if it is conceded that they have allowed all the sick and the poor, whose remains are sacred as yours or mine, whatever may be

our opinion about it individually — if they have allowed them to go there to be skinned and have made no inquiry, then I say that they have broken the law which allowed them only to give to the school, with a bond in each case, the right to take a body and have it dissected ; and then that they would see to it, not that they were thrown as food to the fishes — the remains — not that they were packed in a box with every other piece of offal on earth and deposited in the dirt somewhere, but they should keep these remains after they had served these purposes of what is called science, and should have them decently buried. And I respectfully submit that you should report that this law in regard to what is done with the bodies of the paupers in our State charitable institutions — for this may have been done in every almshouse in the State, if they construed it the same as it has been construed at Tewksbury — that you should report a law, and the legislature ought to pass one, by which this practice should be changed, unless the religious and moral sentiment of the State will sustain it. If they will, then the practice ought to go on ; if they won't, it ought not to go on. And that is what we are here for. Now, then, the difficulty is, when I begin to offer evidence the chairman informs me that there is not the slightest evidence that any of these bodies came from Tewksbury that were skinned. Then when I put in a clinching piece of evidence I am asked : Well, shall we let this in ? Because, supposing they all come from Tewksbury, what has it to do with this investigation ? That is the way the argument is put back to me. I want to put in the evidence. I have now traced this man — presumptive evidence, it was this man,—and I will follow it up by showing that he was traced,—that he was dissected — from some charitable institution ; because there is no other legal place he can come from. If anybody of like name can be found, dying about that time, that would throw weight upon the weight of the evidence but not upon the competency of it ; for if we have had anything that is competent since we have been here, that is competent.

The CHAIRMAN. The management of this institution offered to admit that bodies in large numbers were sent from Tewksbury to the Harvard Medical School. They have not admitted that any of them were skinned at the Harvard Medical School with their knowledge. Now, it seems to me, that unless your Excellency can show that this was carried on with the knowledge

of some one whom we are investigating, that we should not admit it. I submit it to the committee.

Gov. BUTLER. The chairman leaves out the other branch. I can show —

The CHAIRMAN. Your Excellency says you will show.

Gov. BUTLER. Pardon me ; I have shown that this man had funeral rites performed upon him.

Mr. BROWN. I don't understand that to be so.

The CHAIRMAN. Before he was sent.

Gov. BUTLER. Yes, sir ; before he was sent, because they were performed there—unless he was sent before they were performed.

The CHAIRMAN. There is no evidence so far, that I remember, in regard to that.

Gov. BUTLER. The witness says that the rule of the institution was, and that he gave the services of his church gratuitously to go down there and perform the funeral rites over every person of his faith. This man, during the time that he was doing that, was a man of his faith ; and the funeral rites were performed over this man upon this testimony. It is testimony tending to show, whether it will convince a prejudiced man, God knows, I do not ; but it will convince any fair man, I think. Now, then, you may take it either way you like ; that the mummery was over the coffin, or, in the language of the counsel, the funeral rites ought to be performed over a man before he is dissected. The priest of the church says : “ Ashes to ashes, dust to dust.” I respectfully submit that that form should be altered — Ashes to ashes, dust to Harvard College.

The CHAIRMAN. Well, the law is —

Gov. BUTLER. The law is settled on that matter ; but there is no law, never was, and by the blessing of God never will be, which permits desecration of the offices of the church, or the bodies of men, — for it is desecration —

The CHAIRMAN. The law allows bodies to be sent from Tewksbury to medical institutions.

Gov. BUTLER. I know it does ; I have heard of it more than once.

The CHAIRMAN. You have heard of it often enough.

Gov. BUTLER. But point out to me a law that provides that a body that is to be sent away to be dissected shall have the mockery of a funeral performed over it, and I will beg your

pardon and the pardon of the managers of this institution, which will be the biggest punishment that can be put on me on earth.

THE CHAIRMAN. Nobody claims there is any such law.

GOV. BUTLER. That is what we are discussing.

THE CHAIRMAN. The question now is upon the admissibility of this piece of what you call human skin.

GOV. BUTLER. Yes, sir; this piece of written record connecting this man's body with Tewksbury and with Harvard. I don't care whether it is written on that kind of parchment or that kind which they keep to themselves.

THE CHAIRMAN. The governor has the close, Mr. Brown.

MR. BROWN. I want to say, that there is not even a promise but that this piece of skin may have been surreptitiously taken, just as we shall find every piece has been.

THE CHAIRMAN. What will the committee do with it?

MR. PUTNEY. I would like to inquire of the governor whether he has any evidence whatever to show that the reverend witness did perform the last rites over the remains of this man, or, in other words, over an empty coffin?

GOV. BUTLER. He swears so; that he was, as a rule, sent for and went, and always went. And I understood the rule to be covering this very period. He was sent for, and went to perform the rites over everybody that died.

MR. PUTNEY. I take it, then, that it is not doubted but that he might have performed the last rites over this man's remains.

GOV. BUTLER. I think very likely it may be so, sir; and afterward he was dug up out of the grave.

MR. PUTNEY. Excuse me. We have had evidence that after funeral services had been held, the bodies have been retained waiting a certain time for friends to call for them. It might have been so in this instance.

GOV. BUTLER. It might have been so, but I will answer that, gentlemen of the committee, by saying, that I propose to prove that it was not so retained.

MR. PUTNEY. In this particular case?

GOV. BUTLER. In this particular case. Here is a case. I want to connect the body of Mr. Elwood, if that is his name, with two institutions, —Harvard College and Tewksbury. I have got the written evidence, which I propose to show that he had with him when he died. That is to go to establish his identity. And if I can put that written evidence in, showing that he had it with him where he could not very well have been

different, then I connect the remains of that man with Tewksbury, and whatever is done with them is connected.

MR. GILMORE. I understood your Excellency, when you started on this matter, to make a statement claiming that the funeral services were performed, or supposed to be performed, over this body when the body was not there; that it had been previously sent away.

GOV. BUTLER. I have no doubt, because I find it there.

MR. GILMORE. You made the statement as a fact, if I understand it.

GOV. BUTLER. Well, I will make the statement again, and it is this: That over this body, or the coffin, the rite was performed, and nobody can tell which, with absolute certainty. But from the fact that the man's remains were found in Harvard, the presumption would be, and ought to be, that the office of the church was not desecrated; if you insist that they were, any of you, gentlemen, I am content to take it in that way. Take it which way you please. The simple fact stands here, that this man was there, and died. He had extreme unction performed, because that was done in all cases. He had funeral services after death, because that was done in all cases. And he next turns up in Harvard College, and is identified by the legal evidence I have produced here.

MR. BROWN. That is just the difficulty; he is not.

GOV. BUTLER. Pardon me; that is the question of the weight of the evidence. And then I propose to show, in addition to this, by the man who took that piece off, and who produced it,—produced it where I got it,—that the body came at that time, corresponding to about the date of the time when this man died. And the rest speaks for itself. Now, that is a fair proposition.

MR. BROWN. I want to call the attention of the committee, because His Excellency has criticised my calculations as to dates. In the first place, the register in these different entries is Charles J. Echland. On the skin it is E-k, if I recollect it.

GOV. BUTLER. Yes.

MR. BROWN. Or E-x.

GOV. BUTLER. E-k.

MR. BROWN. Well, call it E-k.

GOV. BUTLER. Yes.

MR. BROWN. Now, this man was born in 1820.

THE CHAIRMAN. How do you know?

MR. BROWN. Because it says so, on this skin.

The CHAIRMAN. That is all you know about it?

Mr. BROWN. That is all I know. This is C. T., and not C. J. This man whose name appears on this book in three places is Charles J. Eckland, and he was sixty-three years old in 1877; and it could not have been this man. And any member of the institution who would have taken into it a living being with that registry of his birth on it, and then made a mistake in this book, must have been stupid beyond measure. His Excellency has got a man, if it is not a pig — I have some doubt in my mind whether that is not pig skin.

The CHAIRMAN. Or calf.

Gov. BUTLER. If you choose to listen to that sort of stuff I cannot help it.

Mr. BROWN. It may have been that pig that the committee heard about early in the hearing. If this was a human being it was an entirely different human being from the one named on this register, else that is a lie. This man either carried the lie on his breast, — if it came from his breast, — or else it is another man than this. Now, I submit that before any such talk as this can be had, with the purpose of seriously asking this committee to allow this evidence to be admitted, there ought to be some identity of the person; something ought to be shown. If that is a J, then let us have somebody interpret it and show that it is a J. If this man that had that printed on his bosom made a mistake in his age, let us have that shown. There are two facts wholly inconsistent with His Excellency's theory that this man was the man who was at Tewksbury; to wit, his initials are different, and his age is different by a number of years. Now, I submit upon that there is not the slightest foundation for an offer of this testimony, even if His Excellency's promise were unconditional, — and I don't understand that it is, — that he could connect this with Tewksbury, with the Tewksbury management, the officers of this institution.

Gov. BUTLER. Let me look at that book a moment.

Mr. BROWN. It appears in three places. [Presenting the book.]

Gov. BUTLER. That is the time he was down to Bridgewater.

Mr. BROWN. That shows how accurate you are. I never showed you that before.

The CHAIRMAN. We have no claim that the management at Tewksbury knew that this body was skinned. I don't think it is competent. I will put it to the committee.

Gov. BUTLER. There is evidence tending to show that they did know that this man's body which they sent to Harvard had funeral rites over it, which I think is equally an outrage.

The CHAIRMAN. What will the committee do?

Mr. PUTNEY. Before the vote is taken I would like to have the records harmonized, if possible, so we can act intelligently.

Gov. BUTLER. Then if you will let this stand here until Monday I think I can find on your record, if you will take care it don't go out of your hands until Monday, — until I see it, — I will then have this record and a chance to compare it.

The CHAIRMAN. Can you finish with this witness, Governor, if you skip this point now? We will sit a little while longer.

Gov. BUTLER. I believe I shall not have anything further at present, except what I have asked you about.

Mr. BROWN. I find among the records of the institution, No. 46,448 and 46,449, a record which I desire to read.

Gov. BUTLER. Let me see it before you read it. I object to that until somebody shows that he wrote it.

Mr. BROWN. That who wrote it?

Gov. BUTLER. Until somebody shows that this was not written since this began; because we have had a pretty thorough examination of these books; and I want to have some proof it was there.

The CHAIRMAN. What is the book?

Mr. BROWN. The book is one of the volumes produced here from this institution, found a few days ago in the office of the board of state charities, in the handwriting of Mr. Tripp. The evidence shows it was Mr. Tripp's duty to go to the institution to take a record of these people. And here it is, in Mr. Tripp's handwriting, one of the books that has been in evidence here since the early part of this investigation. Several of these records have been read by His Excellency the Governor in Mr. Tripp's handwriting. I simply want —

Gov. BUTLER. Never without identifying it. Bring Mr. Tripp here.

Mr. BROWN. I beg your pardon; there has never been any identification. When you showed the book to me I asked you in whose handwriting it was, and some one said it was Mr. Tripp's. I think Mr. Hanson was asked, and he said it was Mr. Tripp's.

Gov. BUTLER. Well, that was an identification, was it not, upon your own statement?

Mr. BROWN. Well, if you want me to show that that is Mr. Tripp's handwriting.

Gov. BUTLER. I want Mr. Tripp himself.

Mr. BROWN. I don't know that I am obliged to produce Mr. Tripp.

Gov. BUTLER. He is only up at Tewksbury.

The CHAIRMAN. Is there anybody here that you can prove it by?

Mr. BROWN. Mr. Hanson will be right up here in a moment.

Gov. BUTLER. You cannot prove it that way; wait until Monday morning, and meantime I will have it examined; and if I find that it is I will save you the trouble.

Mr. BROWN. Very well; then I will let it go.

The CHAIRMAN. Then we will adjourn till half-past nine next Monday.

FORTY-FIFTH HEARING.

MONDAY, June 11.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

TESTIMONY OF JULIA P. ABBOTT (*sworn*).*Direct examination by Mr. Brown.*

- Q. What is your full name? A. Julia Pease Abbott.
- Q. Where do you live? A. In Lawrence.
- Q. Are you a physician? A. Yes, sir.
- Q. Were you ever at the Tewksbury almshouse? A. Yes, sir.
- Q. Under what name? A. I went there under the name of Julia P. Pease.
- Q. And since that you married Dr. Abbott? A. Yes, sir.
- Q. When did you go to the Tewksbury almshouse? A. January 1, 1880.
- Q. When did you leave? A. January 7, 1882.
- Q. What physicians were there at the time you were there? A. Dr. Lathrop and Dr. Abbott.
- Q. As physician there, did you have charge of any particular department? A. I had charge, most of the time, of the woman's hospital and the lying-in department.
- Q. Now, madam, during your connection with the Tewksbury almshouse, did you ever know of any cruel or abusive treatment administered to any patient there an inmate? A. No, sir.
- Q. Did you ever hear any complaint from any inmate that her property, that is, her clothing, had been taken and not restored? A. No, sir; no, sir.
- Q. Did you ever hear any complaint from anywhere that the clothing of the inmates was appropriated by the Marsh family to their own purposes? A. No, sir.

Q. When you were at Tewksbury, was there a foundling department there? A. There were two foundlings there when I went there.

Q. That is, those that had been brought there previously?

A. Yes, sir.

Q. So that during the larger portion of the time you were there, there were no foundlings. Now, Mrs. Abbott, having in mind your experience at Tewksbury, won't you state wherein, either in the management or in the food, or in matter of clothing, there was a deficiency to make the hospital fulfil the requirements which would be desired? A. Would you make that in three distinct questions?

Q. Yes; divide it yourself. A. You ask for any defect in management?

Q. Yes; state first any defect in management? A. The general management of the institution I am not prepared to give any opinion upon. I attended only to my own department. That department was well carried on, as far as we had attendants. The part that I had charge of, sir, was as well carried on, it seemed to me, as it could possibly be with the attendants we had. In regard to the food, it was good, with the exception of lack of delicacies for the sick.

The CHAIRMAN. The witness must speak louder.

Gov. BUTLER. The first part of her answer was that she had no opinion to give of the general management.

Q. Well, the administration of the hospital where your duties were performed was under the charge of Dr. Lathrop; that is, the general administration? A. Yes, sir.

Q. By your previous answer I suppose you mean that you had little or no knowledge of the administration of the affairs in the other departments of the almshouse? A. Yes, sir.

Q. Now, so far as you had an opportunity of observing, was the administration of the medical department satisfactory? A. As satisfactory as in institutions generally.

Q. Now, you speak of the women's hospital being carried on as well as it could be with the scanty attendance. Will you explain what you mean by that? A. The number of attendants for the number of sick was not sufficient.

Q. Now, take any one time in your department, and what was the largest number of sick? A. I don't remember just the number of beds that were in the hospital.

Q. Well, about? A. About one hundred in the women's hospital.

Q. How many attendants did you have, the largest number? A. Three or four; sometimes only three.

Q. In your judgment how many should you have had? A. Two or three more, surely.

Q. Those attendants that you had, were they trained nurses? A. Some of them.

Q. How many of them were trained nurses? A. They were all of them fitted for nursing, but not all of them graduates of training-schools.

Q. But they had all more or less experience? A. Yes, sir.

Q. And were they satisfactory as far as they went in number? A. Very good, indeed.

Q. Do you know what wages were paid to those nurses? A. I have heard; I don't know.

Gov. BUTLER. The book shows that.

Q. Then your idea is that there should have been at least two or three more? Now, you say that there were not sufficient delicacies for the sick. Will you specify anything that you have in mind which would have been desirable? A. We could not have fruits or chickens or varieties of meat; nothing but steak. There was no chance for variety for tempting a sick person's appetite at all — just the regular diet carried out.

Q. Now, Mrs. Abbott, I suppose many of these sick were young girls who came there to be confined, weren't they, in a great many instances? A. In the lying-in department; yes, sir.

Q. With the exception of their present misfortune they were otherwise constitutionally quite rugged? A. Some of them were quite so, and some were not.

Q. While you were there, at what table did you take your meals? A. At the same table with the superintendent and the resident physician.

Cross-examination by Gov. Butler.

Q. Mrs. Pease — or, Mrs. Abbott, I beg your pardon — what institution were you in before you went to Tewksbury? A. I was for a few months in the New England Hospital for Women and Children.

Q. For how long? A. I went there the first of April and left there the last of December.

Q. From April to September? A. Until December — in December.

Q. Were you related to the Marsh family? A. No, sir.

Q. Related to any one of the trustees? A. No, sir.

Q. You were chosen to take the place of Dr. West.

Mr. BROWN. You will have to speak a little louder.

The CHAIRMAN. The committee complain that they cannot hear the governor nor the witness.

Gov. BUTLER. You see the force of a bad example.

Q. You took the place of Dr. West? A. I think he was there before I was.

Q. Well, he was the physician whose place you took, wasn't he? A. I think so; I don't know surely about it. I know he was there just before I went. I suppose I took his position.

Q. There were no foundlings brought there after you got there? A. Not after I got there; no, sir.

Q. Two only remained? A. Two, I think; I didn't have charge of them.

Q. You had charge of the lying-in hospital. How many births did you have while you were there? A. Something over two hundred in two years; the first year just one hundred and one, and I think there were two hundred and eight in the two years, but I cannot remember positively.

Q. How many of those mothers were young? Most of them were young mothers, I suppose. A. Mostly so; I could not say.

Q. How many of them were of ordinarily good constitution? A. I think the majority of them were of good constitution.

Q. A considerable majority, or a bare majority? A. I should have to look at the records to tell that positively, but I should think I could say a majority, safely.

Q. And what portion of those births were born alive? A. A large portion.

Q. Very few still-births, were there not? A. A few still-born.

Q. Did you hear of a woman that had been delivered shortly before you were there, who was insane, and who had a very painful delivery? A. I barely heard of it.

Q. Was she living when you were there? I know she was, because she lived afterwards; but was she there when you were there? A. I don't know; I don't remember her.

Q. You don't know whether she was there or not. Now,

what portion of those children lived; what portion of those children were alive when you left, of those 208 births? A. I could not tell, sir. They were not in the institution.

Q. What? A. They were not in the institution, a large portion of them, they had left.

Q. Left with their mothers? A. Yes, sir.

Q. What portion remained in the institution? A. There was the average number in the institution when I left. There were always more or less, but they were going out all the time.

Q. What was the average number. A. Fifteen, twenty, and twenty-five sometimes.

Q. So that women would come there and lie in and have children, and go away when they got well enough? A. Yes, sir.

Q. That was the rule of the institution? A. Yes, sir.

Q. So that it was indeed a great lying-in hospital? A. There was that department.

Q. Were those instruments to perform craniotomy, — were they bought after you got there or before? A. I don't know; they were there.

Q. Now, you say that as to general management, you could only give the opinion that your own department was well managed. A. Yes, sir.

Q. Now, did you never hear that anybody got hurt there? A. In what way?

Q. In any way. A. Not that I know.

Q. Understand my question. Did you ever hear, while you were there, of anybody that got hurt? A. I cannot mention any case.

Q. I do not ask you whether you can mention any case. Answer my question. Did you hear of anybody that got hurt there? A. No, sir.

Q. What? A. No, sir.

Q. Didn't hear of any such thing that happened to anybody, sure of that? A. Yes, sir.

Q. A little louder. A. Yes, sir.

Q. Now, then, did you hear of that man who got struck with a pick-axe? A. No, sir.

Q. Insane people? A. No, sir.

Q. In your ward, what was the food? Give me the break-

fast of a lying-in woman — the usual breakfast. A. Bread and tea.

Q. The dinner? A. Oatmeal gruel and bread and tea, if wished, or toast. It varied in that way.

Q. Oatmeal gruel, bread, crackers, and tea. A. And beef-steak at times.

Q. What? A. Beefsteak sometimes.

Q. I want the ordinary now. What was their supper? A. Toast, and crackers, and tea, and oatmeal gruel.

Q. Now, that was for lying-in women, and that period just before and just after? A. Just after.

Q. What did they have just before? A. The same as the rest of the house.

Q. What was that? A. I think breakfast was bread and coffee.

Q. What was the dinner? A. Salt beef or fish, or fresh fish.

Q. What? A. Salt beef, salt fish, potatoes and bread.

Q. What for supper? A. Tea and bread.

Q. Did your people in the hospital have cauliflower? A. I don't remember it; they often had cabbage.

Q. Celery? A. I never saw any.

Q. I mean in that department. Asparagus? A. They may have had asparagus sometimes in the season of it.

Q. I don't suppose they had it out of season; why can't you answer? They may have had it. Did they have it? A. I don't know.

Q. Very well; that answers the question. Did they have carrots? A. I didn't see them.

Q. Did they have gooseberries? A. I didn't see any of them.

Q. Did they have strawberries? A. I have seen strawberries.

Q. You have seen strawberries there, I have no doubt; but did your people get them? A. Yes, sir.

Q. How many times? A. I could not tell you. Certainly once.

Q. Melons? A. Yes, sir.

Q. How often? A. I could not tell you. I have seen them have melons.

Q. Was the hospital ornamented with flowers? A. Sometimes.

Q. When? When visitors came? A. No more than any other time.

Q. How much was it ornamented with flowers? A. A good many days in the course of the summer.

Q. Was it in the winter? A. Not usually; but sometimes.

Q. Was there any time when it was ornamented with flowers in the winter except when visitors came? A. Just as likely at other times.

Q. Then there was never any difference made at all whether visitors came or not? A. No, sir.

Q. Never? A. No, sir.

Q. Never put anything in order one bit on account of receiving visitors? A. No special difference made.

Q. That is not the question. Anything put in order one bit when the visitors came? A. The ordinary work was done in the ordinary routine.

Q. I don't ask about ordinary work done in ordinary routine. Will you answer my question, or won't you? Was there any bit of difference, and if so, what, made to receive visitors? A. No, sir.

Q. Do you know of any family on earth where that is not done except up at Tewksbury? I find in this report, madam —

Mr. BROWN. For what year?

Gov. BUTLER. 1882. I find that they had thirteen hundred heads of celery, twenty-nine hundred heads of lettuce, four hundred heads of cauliflower, twenty-five hundred asparagus roots — so there must have been some asparagus.

Mr. BROWN. They must have had some roots; those were probably to set out.

Gov. BUTLER. One hundred and fifty-nine quarts of currants, seventy-nine quarts of gooseberries, six hundred and sixty-seven quarts of strawberries, nineteen hundred melons, thirteen thousand strawberry plants, thirty-one bushels dandelions, nineteen bushels spinach, forty-six bushels cucumbers, one thousand potted plants, fifteen hundred cuttings and bulbs.

Q. And you think the poor sick people ought to have a few more delicacies than they do get? A. Yes, sir.

Q. Now, about the attendance, madam. How many women were employed in your ward? A. Usually three in the day and one at night.

Q. Those were attendants. I am asking how many women,

female women, were employed there. A. I don't know how many.

Q. About how many? A. Anywhere from two to four or five, as was needed to do the work—the cleaning.

Q. Anywhere from two to four or five. Those young healthy girls, after they had got over their confinement, that hadn't gone away—why not employ them? Did you? A. Yes, sir; some of them. They were employed in the institution.

Q. If you hadn't attendants, why not employ them there in the lying-in hospital? Just the place for them. They knew how it was themselves. You had from fifteen to twenty of these people all the time, why didn't you have enough to take care of the hospital? You had fifteen or twenty of them there, average number. A. This lying-in department was separate from the main hospital.

Q. I know it was; but then it was so easy for them to have stepped in, why didn't you have them? A. In the wards in which they were they did the work and the work of the laundry besides.

Q. Oh, they did all the work of the ward they were in, and the work of the laundry. Well, but you had a launderer and a laundress there, didn't you? A. Yes, sir.

Q. Mr. Locke and his wife. Was that remarkable matron, that young Miss Locke, there then? A. Yes, sir.

Q. About how old was she? A. She was somewhere—

Q. About seventeen? A. I guess she is over seventeen.

Q. Do you think it is pretty certain she is over seventeen? A. I think so.

Q. Will you swear to eighteen? A. I could not swear to eighteen.

Q. I thought I could get pretty near when she would not tell us. Well, she was one of the matrons. She was the matron that was put in charge of all the clothing? A. Yes, sir.

Q. Now, madam, didn't you ever hear anything said about clothing being taken? I don't know but it might have been slander— A. Yes.

Q. I don't know whether it was slander or not. I don't want you to endorse it: but didn't you ever hear anything said about it? A. No, sir.

Q. Never did. They didn't let you know anything about it,

did they? Were you ever down in the clothing department yourself? A. Yes, sir.

Q. What did the doctors do down there? A. Attended to feeble women going out.

Q. Was there a sewing-room up stairs? A. Yes, sir.

Q. What did they do in that, make clothing? A. Made and mended.

Q. Any clothing made over there? A. I don't know.

Q. You don't know about that? How do you know they made and mended? A. I saw it done.

Q. Did you ever see any clothing made over? A. I never did.

Q. We have a big phrase for who was in that department. They say "presided over it." Who had charge in that room? A. I suppose Mrs. Thomas J. Marsh, Jr.

Q. Had the old lady any sewing-room up stairs? A. Not that I know of.

Q. Ever up there? A. Yes, sir.

Q. Was not there a sewing machine up in her room? A. Yes, sir; there was a sewing machine in her room.

Q. There was a sewing machine, with nothing for it to do, I suppose. Who ran the sewing machine? A. I don't know, sir.

Q. Why wasn't the sewing machine down in the sewing-room? What on earth did this old lady, almost eighty years old — what on earth did she want of a sewing machine up in her room? Did you ever see her running it for amusement? How many of these young lying-in women were employed in the laundry? A. All of them that were able. That was generally the —

Q. Well, now, if you wanted attendants, by law the resident physician has the right to make requisition for anything that he wants, on the superintendent. Did you ever complain and ask the resident physician for more attendants? A. I did, sir.

Q. Did you get them? A. It was for more trained help that I asked.

Q. But you hadn't trained help, you say, now; only those that had some experience in nursing. A. Part of them were trained nurses, and some were not.

Q. How many were trained? A. Two, I think, at the time I was there.

Q. Well, who? A. Miss Lizzie McKinnon and Miss McKay.

Q. Now you had two there that were, and two that were not. You had two that were not, and wanted two more; why not take two more that were not? A. It was for paid help that I asked.

Q. You asked for skilled help? A. Yes, sir.

Q. Then you had enough help, except skilled help? A. Yes, sir; I did.

Q. You had enough help, except skilled help. What did you want skilled help for? A. To take care of the sick.

Q. To take care? A. For general nursing and care.

Q. Whom did you make requisition on for skilled help? A. Dr. Lathrop.

Q. What reply did you get? A. That if it was possible it should be attended to.

Q. Well, it was possible it might be attended to, that is clear; all things are possible; but was it attended to? A. We never had more than the number I have mentioned.

Q. Well, you didn't get what you wanted? A. Not as many as I would have liked.

Q. Did you get as many as you asked for? A. No, sir.

Q. And you didn't get as many as were necessary? A. As I thought necessary.

Q. Did he agree with you? He told you it should be attended to — your request would be attended to. One would suppose that he thought it proper? A. He partially agreed as to the necessity.

Q. But you never got any more? A. No, sir.

Q. Now, about how many women were there in that establishment altogether? A. Some four hundred, I believe; usually the women were half the number.

Q. Then, it would be nearer five hundred, because there were over nine hundred there altogether. Now, weren't there among those women skilled nurses,—people that had had something to do with nursing,—people who have had to do nursing such as other people have to do? A. No, sir; I don't think so.

Q. Why not? A. They are not that class of people.

Q. Why, wasn't there some woman who had got poor, and had come there at last? A. Not that I knew.

Q. Did you make any inquiry? A. Yes, sir.

Q. What? A. Yes, sir; seriously, at times.

Q. But you had all the help, except for general nursing, that you wanted? A. Yes, sir.

Q. Ample help for every other purpose. Then everything could be kept as clean as a pin, if you chose to keep it so? A. Yes, sir.

Q. And all it was, you thought it would have been better to have had some more nurses to attend the sick. Do you think the lying-in women suffered from that? A. I do.

Q. What? A. I do.

Q. And that all the time you were there? A. At times there were enough, because there would be only one or two in the lying-in department who were sick.

Q. But I thought you said there was an average of about fifteen? A. Mothers with their children.

Q. Very well. It would not take a great many to attend upon one or two? A. No, sir.

Q. But was that fault remedied during the two years you were there? A. Why, one trained person only was prepared to take care of the lying-in. Only one trained person was prepared to take charge of the lying-in women at any time. Those that I have mentioned before were in the hospital, which is separate.

Q. Well, was that evil remedied while you were there? A. There was no change made in that respect while I was there.

Q. Was Dr. Abbott, your husband, also a physician? A. Yes, sir.

Q. There at the time? A. Yes, sir.

Q. (By Mr. BROWN.) A single question. Was it practicable to use these women, that came there to be confined, for nurses for others when they became convalescent? A. I should have been sorry to have been obliged to do it.

Q. Why? A. Because of their general unfitness for it, and care of their babies at the same time.

Q. (By Gov. BUTLER.) In your judgment they could be utilized in the laundry better than they could in the lying-in hospital,—that is, their labor,—is that it? A. I should think so.

Q. Pardon me. Don't you think a woman could take care of a baby, while nursing, quite as well as when down in the laundry washing clothes or ironing, which is the hardest of all

possible work, I understand? A. It could be arranged, of course.

Q. Now, don't you think — whether in your judgment she could not nurse her baby just as well while she was attending to patients in the lying-in hospital when she was not nursing, as she could go down and work in the laundry? A. Probably.

Q. Then why did you put in your answer to Mr. Brown that you didn't use them as nurses, because they couldn't attend to the nursing there? A. Because it was a drawback whatever they did.

Q. Well, if it was a drawback, why did you let them go to that worse drawback? Now, honestly, don't you think the women kept down there in that laundry got as much work as they ought to have, and a little more? A. I never thought it was so.

Q. Then there were plenty of able women to do washing, but who could not attend to the nursing of a patient who was convalescent from lying-in? That is your testimony, is it? A. Of such help. I mean to say we had plenty of such kind of help for that.

Q. Did you have any insane women in the hospital? A. At times.

Q. Working? A. Yes, sir.

Q. A considerable part of the time? A. Some nearly all the time.

Q. Were they good help? A. Some would be, and some very poor.

Q. Why did you have those very poor insane women in your ward taking care of the sick? A. They were doing the cleaning; not taking care of the sick.

Q. That is part of the care of the sick? A. Not all the care, but the part they did.

Q. Why, when there were plenty of good women in the laundry, did you have these insane taking care of the sick, whatever the care was? Some were employed in the sewing-room, weren't they? A. Yes, sir.

Q. (By the CHAIRMAN.) Where do you live? A. Lawrence, Mass.

Q. How long have you been in the profession? A. I graduated in 1879.

Q. In 1879? A. Yes, sir.

Q. How often have you performed craniotomy? A. I never performed it.

Q. How often is it in practice? A. It is not often.

Q. Did you ever know a case when you were at Tewksbury?

A. Yes, sir; one.

Q. (By Gov. BUTLER.) They had instruments there when you were there? A. Yes, sir.

Gov. BUTLER. They had dismissed the rat-tail file and the screwdriver.

Mr. BROWN. Father Gigault.

Gov. BUTLER. I want to go on with this matter of this paper now, if you please. Is Mr. Wretlind here?

Mr. BROWN. I pray the judgment of this committee. I supposed I had charge of this defence.

Gov. BUTLER. So far as it has gone on now nominally you have; generally it has been upon my side.

Mr. BROWN. I don't know any reason why the defence should be suspended for the government to call a witness.

Gov. BUTLER. This is it: When we adjourned on Friday we were upon the question of the identification of this piece of parchment, human parchment, which I have in my hand; and the question was whether it should be put in that I might examine upon it. There were two objections raised to it. In the first place that it could not be put in until I had traced it to Tewksbury. I attempted to trace it to Tewksbury by showing that it was on the register. Thereupon the counsel on the other side, who understands everything but the Swedish language, undertook to read it in one way, and say that it didn't correspond to the books, — that the name on the books didn't correspond to this name; that this name was Charles T., and the name on the books was Charles J. That is one objection. Another objection was that of the chairman apparently, that I hadn't traced it to show where it came from. Another objection was that the age didn't correspond with that indicated by the records. I am here prepared to prove, first, that this is, in Swedish, Charles J. Eklund, precisely as it is on the register. I am prepared to prove further that the register is wholly unreliable in point of date, by comparison with itself. I am prepared further to prove that this piece did come from the body of the person who will be thus proved to have been in Tewksbury. And I thought it would be best to have all the propositions in before we had a ruling, —

The CHAIRMAN. Let me ask you, Governor, whether this, — how this is in rebuttal of anything that has gone in?

Gov. BUTLER. How this is in rebuttal! I have not come to rebuttal, yet. I am now trying to prove — I am now trying to deal with Father Gigault's testimony, in which he testifies to some matters. I want to show that he is mistaken, among other things, and for that purpose I produce this. He has testified that he performed services over all Catholics who died at the institution. If it turns out that he didn't over this one, then it shows that he was deceived by the management; and the purpose for which they put him on, to show that all Catholics had a Christian burial, will be answered.

The CHAIRMAN. He said he supposed he attended all.

Gov. BUTLER. He said it was the rule of the institution to send for him to do that.

The CHAIRMAN. Yes, sir.

Gov. BUTLER. That was put in to show how well that institution was carried on as regards Catholics. To answer that I propose to show — because nobody will doubt that the man who had that upon his breast was a good Catholic — I propose to show that this man was in Tewksbury, and he was tattooed on his breast with that; that was taken from his breast when he was skinned, and has been kept and is now here. And then it may be taken either way. If the Father says he didn't bury this man, why, then it shows the managers of the institution were cheating him; they were sending off people to be skinned pretending to bury them. If he says he did bury this one, then they were committing in the most solemn form to earth the remains of those that — apparently the remains of those who were to be committed to an entirely different destination. But now the question is upon the order of proof. If the court say — if the committee say I shall not go on with it now, I can delay it until the proper time.

The CHAIRMAN. It seems to me if you want to identify this by Father Gigault you should ask him what you wish to, and then suspend it to another time.

Gov. BUTLER. Yes, sir; I suppose that would be the better way.

Mr. BROWN. I make this objection. I object to my defence being interrupted by any introduction of any new testimony by the governor. Now, if Father Gigault can identify that, very well; let him do it. I don't object to that. But I don't think

that after Father Gigault has left the witness stand, that then my defence is to be suspended for the accommodation of the governor who is to go on and introduce evidence in regard to that skin.

THE CHAIRMAN. I think so, too -- unless there is a matter of convenience to this witness.

GOV. BUTLER. The difference is this. If I can ask Father Gigault to identify it for the purpose of dealing with his testimony, why can't I ask somebody else just as well? What is the legal difficulty?

THE CHAIRMAN. On cross-examination of Father Gigault you may ask him any question pertinent to the case; and then if he don't answer to your satisfaction, it seems to me that you can put on your witness, but you must wait until the other side get through.

GOV. BUTLER. Undoubtedly, sir, that would be so. But while I am asking him I want to use this, which is a record.

THE CHAIRMAN. I think you should be allowed to use that, and ask Father Gigault any question; but of course it is not in the case.

GOV. BUTLER. Before I use the record I want to know what it reads. I am only asking the committee.

THE CHAIRMAN. Unless the committee order otherwise, I should think --

MR. MELLEN. He only wants to know what it reads by this witness.

GOV. BUTLER. Yes, sir; I have got here, now, a Swedish gentleman who can read it.

THE CHAIRMAN. As a matter of convenience that might be done.

MR. MURPHY. I hope that will be done.

MR. BROWN. Mr. Chairman: I would like to know what the committee have to do with the knowledge of what that reads, unless it is in this case. Every man can see by his eye what there is on that, and it seems as if the crucifix ought to be sufficient identification for that purpose, if Father Gigault ever saw it on a human body of any kind. But it is a most astonishing proposition, to me, that the Swedes are Catholics. I never heard of it before today.

GOV. BUTLER. I don't mean to make the proposition that all Swedes are Catholics, any more than I mean to make the proposition that all lawyers are Catholics.

The CHAIRMAN. You want this man to translate this?

Gov. BUTLER. That is all.

The CHAIRMAN. I think, as a matter of convenience, rather than have him brought here again, that can do no harm.

Gov. BUTLER. Mr. Brown understood, yesterday —

The CHAIRMAN. Of course, before it goes into the case it must be identified.

Mr. BROWN. I don't see, Mr. Chairman, —

The CHAIRMAN. In strictness, the other way is right.

Mr. BROWN. I don't propose to object, but I don't see what it is to this committee whether it means he was born in 1820, or died in 1820, or came to America in 1820. I don't think the case ought to be interrupted in this way.

Gov. BUTLER. I see you don't — or that he died at Tewksbury.

Mr. BROWN. It is only an effort to get in something skew endwise; something that ought not to be here.

Mr. MELLEN. The probability is that it will have considerable to do with the case before we get through, and it is not upon the figures 1820 that the question arose, if I have read aright the proceedings of the last day's hearing; it was upon the name.

The CHAIRMAN. I think, as a matter of convenience, we might allow this man to translate. I don't think this piece of skin should go in until it is properly identified; but as this witness is here I should think it would be well enough to let him translate.

Mr. CHESTER. Then why take our time to identify it if it is not in the case?

Gov. BUTLER. I cannot offer it until I identify it.

Mr. BROWN. Why, Mr. Chairman, this city is swarming with Swedes, and I see three or four here this morning, any one of whom is capable of translating that with absolute accuracy; and there won't be a time within the next thousand years when there cannot be fifty produced here any morning. It seems to me an astonishing proposition that there isn't but just one Swede capable of translating the words on that skin, and, therefore, he must be here this morning.

The CHAIRMAN. If you object to it I will put it to the committee. It is out of the usual course.

Gov. BUTLER. I have no doubt I can produce other Swedes

by the process of the Commonwealth. I used the process of the Commonwealth in this case.

MR. BROWN. Well, I will produce ten any morning without the process of the Commonwealth, and let you take your pick.

GOV. BUTLER. But then, I have a choice. Like all other things, there are good Swedes and bad Swedes.

MR. PUTNEY. I think last Friday the question was whether or not this should be admitted, and I think I made the proposition then, that if the governor could come here with sufficient evidence which would in any way clear up the question Mr. Brown has raised with regard to name, age, etc., then it would be competent for the committee to vote on it. It seems by this evidence that this is a piece of human parchment.

GOV. BUTLER. And I have tried to do just that thing.

MR. MURPHY. I would like to move that the witness be sworn, and be permitted to translate the name and words on this piece of skin.

MR. BROWN. If the chairman will allow me to make a suggestion in regard to what Mr. Putney, a member of the committee, has suggested, I would like to say that I find from the record that five witnesses have testified that no bodies were ever brought to Harvard College during the months of July and August. This man died on the third day of August, 1879. No bodies were brought there in 1879 in those months; we have the testimony that the first body that went to Harvard College in that year was on the 17th of October. Now, this man dying on the third day of August, the presumption would seem to be, on the testimony already offered, that it could not have been this man's body, — this Charles J. Echland, whose name is registered, because he died on the third day of August. Now, it seems to me that not only they do not connect it with Tewksbury, but I think the presumption is that a man dying on that day didn't go to Harvard College, on the evidence which has thus far been offered.

THE CHAIRMAN. If this goes in now, it goes in *De bene*, as we say, unless it is followed up by proof.

GOV. BUTLER. Oh, I will follow it up by proof.

MR. BROWN. The witness is simply to translate this inscription.

THE CHAIRMAN. That is all.

GOV. BUTLER. That is all this witness can do. You must remember they pickled bodies there once.

Mr. BROWN. But not in that year. The pickling was not done in that year.

[The committee voted that the witness should be sworn and allowed to testify.]

TESTIMONY OF ERIC WRETLIND (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Wretlind, you were born in Sweden? A. Yes, sir.

Q. Are you acquainted with the Swedish language? A. Yes, sir.

Q. You are now an apothecary? A. Yes, sir; a Swedish apothecary.

Q. At 101 Tremont Street? A. Yes, sir.

Q. (By Mr. BROWN.) How long did you live in Sweden? A. Twenty-three years.

Q. What part of Sweden? A. Most always in Upsala, and some part in Stockholm.

Q. (By Gov. BUTLER.) Now, sir, being acquainted with the Swedish language, won't you look at that paper, parchment or skin, whatever it may be, and read it as it should be in English. [Presenting to the witness the piece of skin offered in evidence.] A. "C. J. Eklund, born the seventh of March, the year 1820."

Q. "C. J. Eklund, born the seventh of March, 1820." And is that second letter J? A. In Swedish it can be either J or I, and nothing else. We used to write I that way.

Q. They used to write I that way or J that way? A. Yes, sir; often.

Q. In painting? A. Yes, sir; in sign painting, etc.

Cross-examination by Mr. Brown.

Q. C. J. ———. Now, won't you spell this name as it is on this piece of parchment? A. E-k-l-u-n-d.

Q. Now, put that in English and give us the letters of it? A. I think it could be —

Q. I don't want that, I want you to spell it in English? A. E-k-l-u-n-d, as it stands.

Q. Then E-c-h-l-a-n-d would not be proper, would it? A. No.

Q. There is no business to be an a where the u is, is there? A. No.

Q. On your oath? A. No.

Q. Now Född means what? A. Born.

Q. And den means what? A. The.

Q. And Mars? A. March.

Q. Then here seems to be something else like an A and an r. What is that? A. That is An. That is the year.

Q. 1820? A. Yes, sir.

Q. You lived in Sweden twenty years, did you? A. Twenty-three years.

Q. Are you a Catholic? A. No; very few Catholics in Sweden.

Q. Did you ever see a Catholic church in Sweden, anywhere? A. Well, there is one in the metropolis.

Q. Did you ever see one anywhere else except in the metropolis? A. No.

Q. Then, there is only one Catholic church in all Sweden, so far as you know? A. Perhaps there may be one in Gottenburg, but that would be the only one, except in the metropolis.

Q. With possibly that exception, there is only that in all Sweden? A. That is for the accommodation of foreigners.

Q. Except for curiosity they might have one there? A. Yes, sir.

Gov. BUTLER. The name is spelled on the record, l-u-n-d.

The CHAIRMAN. Now, recall Father Gigault.

FREDERICK GIGAULT (*recalled*).

Gov. BUTLER. I propose to trace this further, in order to show, if I can get it in,—I have got a witness now who took it off and knows where he took it from.

The CHAIRMAN. I think you should wait till the other side gets through.

Gov. BUTLER. I have the witness here, now, who took this piece of skin off and knows where it came from.

The CHAIRMAN. It seems to me you should wait.

Gov. BUTLER. Well, sir, the question as stated by one of the committee was, whether this should be evidence, so I can use it with the Father, or anybody else; with Mr. Tom Marsh, when he comes on,—I shall want to ask him something about that.

The CHAIRMAN. Now, so far as Father Gigault is concerned, I don't see why you should not use it; ask him all the questions you can, and finish him.

Gov. BUTLER. I now propose to see whether this sha'n't go into the case right here, now.

The CHAIRMAN. I think it is interrupting the defence.

Gov. BUTLER. If the committee think so, then I shall be cut off; if not, I shall get on. I come here with the man who took it off, and I want to get rid of this glamour about it; and, then, I have got a record here showing the age, — I have got from the records one woman whom we know, Mary Tynan, who is entered under four or five different ages.

The CHAIRMAN. It might take two days, Governor, to establish this fact. The other side is here with its witnesses ready to go on to-day, and it seems to me the orderly way would be for one side to finish first, and then the other.

Gov. BUTLER. Very well.

Mr. GILMORE. Before that is admitted as evidence, it seems to me that Father Gigault should identify it.

Gov. BUTLER. I am trying to have it identified.

Mr. GILMORE. Should be identified by him.

Gov. BUTLER. I must ask a vote of the committee, sir.

Mr. BROWN. I want to know what the proposition is that His Excellency says he asks for a vote of the committee on.

The CHAIRMAN. I suppose it is competent for the governor to finish his cross-examination of Father Gigault; if he wants to ask him any questions about that parchment or paper, let him ask it.

Mr. BROWN. I don't object.

The CHAIRMAN. But, after that, I don't understand the governor can call other witnesses to put this in now; his time will come.

Gov. BUTLER. I ask for this committee of investigation to identify this written record of a man's identification by all the evidence I have got, and, then, I want to use it in my cross-examination, not waiting till the rebuttal, but in cross-examination, not only of this witness, but of some others.

Mr. MURPHY. I should like to draw the committee's attention to one thing, and that is that when the books of the Char-don Street Home were presented here this committee would not allow them to be admitted till somebody was brought here to identify them.

The CHAIRMAN. Exactly, —

Mr. MURPHY. And I think this, here, is in perfect keeping with that.

The CHAIRMAN. And I don't want this to come in till it is identified.

Mr. MURPHY. The governor proposes to bring somebody to identify it.

The CHAIRMAN. If Father Gigault can identify it it is competent, because he is a witness on the other side.

Mr. MURPHY. There is another witness whom the governor has.

Gov. BUTLER. Father Gigault may not know anything about it.

The CHAIRMAN. The governor can bring anybody he chooses to swear to this at the proper time.

Mr. MURPHY. There is no reason he should not now, as in the other case.

The CHAIRMAN. Is there any reason why he should interrupt the course of the defence?

Mr. MURPHY. He interrupted the course of the defence before; you refused to admit the books till witnesses were brought forward to identify them. Why is not this on a parallel with that?

The CHAIRMAN. Because the defence is now putting in its case, —

Mr. MURPHY. It was doing the same thing there.

The CHAIRMAN. And the defence should not be interrupted by the other side till it gets through.

Mr. MURPHY. Precisely the same thing there.

The CHAIRMAN. I will put it to the committee.

Gov. BUTLER. I want it in now, because I shall be told it don't belong to Tewksbury. I am going to trace it to Tewksbury if God spares my life.

Mr. MURPHY. I move that the witness the governor proposes to call be called.

The CHAIRMAN. Father Gigault, I suppose the committee understands, is the witness who was on the stand when we adjourned, and he is now on the stand. Now, do the committee want to discharge Father Gigault and allow the governor to call another witness.

Gov. BUTLER. I stated on Friday, over and over again, the point to which I want to use this paper, use this matter, but I will state it once more. It has been claimed, first, that there has been no human hide traced to Tewksbury.

The CHAIRMAN. The evidence, as I understand it, was from

Dr. Porter ; that every body that came from Tewksbury, or anywhere else, was practically skinned in the medical college.

Gov. BUTLER. What say?

The CHAIRMAN. Was practically skinned ; isn't that the evidence?

Mr. MELLEN. That is past evidence.

Gov. BUTLER. Of course, you can't dissect a muscle till you take the skin off of it.

The CHAIRMAN. Exactly.

Gov. BUTLER. And his testifying it don't make it any better or any worse, — it does make it a little worse. But that is not the point ; the point is whether that, like any other remains, was, under the law, decently buried, and you never will be able to dodge that in the world. That is the point.

The CHAIRMAN. Nobody wants to dodge that.

Gov. BUTLER. Whoever wants to never can do that ; that is the point. Now, then, it is said that it can never be shown, and has not been shown, that any portion of these human skins that are afloat in this community in the shape of slippers and other things, came from Tewksbury ; and there was a howl of the satanic press on that subject. Now, then, I propose, for once and for all to stop that howl, and I have got to do it by dealing with these witnesses, and to deal with the witnesses, — not only the Father, — he may or may not remember it, — but Tom Marsh, or with anybody else that is brought here, and for that purpose I want to identify it. You let me go a little ways, and then stop me under some pretence which I don't understand ; because, if I can go a little ways, I must make my whole proof. How am I to be stopped? If I can't identify it by all, why, then I should have been stopped before ; but, going a little ways, — why, the man may not be believed. The answer, when I offered it, was that the books show a different name, because this was Charles T. Ekland and the books show Charles J. Ekland. Now, I produce a witness who says this is Charles J. and that Mr. Brown didn't read it right, and the J is made just like our old-fashioned J, in the olden time, in Jesus, where it was there in a capital. Now, I have done that. The next objection is, and that is stated to-day, that this death was in August. Yes ; I know it was in August, the third of August ; and that somebody has testified that no bodies left after August ; that they left only the first of September. Why, that don't come to anything, except as an argument. To meet that

argument I want to show where this piece came from; that it did come from a body, and the books show that body was in Tewksbury when in life and must have been there in death, for it died there, and, instead of being returned to the dust to which it was committed, it now appears here on the table of this committee. Now, if the committee say I shan't do that, be it so. I had as lief take that ruling as any other, if the committee rule it, but I will not surcease from my view of duty till that question is tried, God giving me health and strength.

The CHAIRMAN. My objection to it is that it is not competent now to stop the trial of the defence to allow you to go on; that is the ground I put it on.

Gov. BUTLER. That is a matter of convenience, simply, within the discretion of all courts, you know; a question of time.

Mr. MELLEN. Mr. Chairman, it seems to me that it ought to be apparent to each member of the committee that it is much more convenient, and would tend to shorten our hearing more by having it admitted now when we have got a witness on the stand to whom questions are to be put relative to this very parchment, and other witnesses who will be put on by the defence, to whom questions will be put relating to this same piece of skin, rather than to defer the question of admitting this skin as evidence for a week or, possibly, two weeks, and then to call these same witnesses over again. I think we should proceed in a common-sense way. I don't think we ought to go upon technicalities, or take any advantage of that kind, or put ourselves to inconvenience because of some technical practice that is in vogue in the courts. This should be a court unto itself; its rulings should be, I maintain, in conformity with common sense. Now, if the proposition was not in conformity with common sense, I would not favor the entertaining of it; but it seems to me it is. We have got to determine, sooner or later, on the admission of this evidence, the question of this skin. We might as well do it now, as we did in relation to the Chardon Street books. Do you recollect how the business was suspended then, or wanted to be suspended by the chairman and by other members of the committee, till somebody could come and identify the books?

The CHAIRMAN. The governor was then putting in his case; he hadn't rested and given up the court to the other side.

Mr. MURPHY. I beg your pardon.

The CHAIRMAN. The governor offered the Chardon Street books, and they were objected to.

Mr. MELLEN. He offered them as he offers this now. He wanted to question a witness about something which the Chardon Street books contained information upon, that would throw light upon the subject. Objection was made by Mr. Brown to the introduction of those books at that time.

The CHAIRMAN. It may be I am mistaken.

Mr. MURPHY. It is the same; the parallel is precisely the same.

Gov. BUTLER. Will you allow me to call for a moment the attention of the committee to another thing. When Gov. Rice was on the stand you interrupted my cross-examination by a solemn vote to allow the whole record of an investigating committee of the legislature to be read.

The CHAIRMAN. But not to call another witness.

Gov. BUTLER. What is the difference?

The CHAIRMAN. It makes a great difference.

Gov. BUTLER. I don't see it; pardon me. And it was put upon the ground, before the committee, and I suppose the committee must have voted on that ground, for there was no other, that it was necessary to have it done in order that the charges in the letter of the board of state charities should be answered by the report of the investigating committee; and, in spite of all I could do, you stopped me in my cross-examination, when I had the floor, to serve a purpose, to have that whole investigation of thirty-six odd pages read. And, now, when I want to identify a paper, for the purpose of use, you are very technically, conveniently discreet, — because this is a matter in your discretion.

The CHAIRMAN. I don't understand that the cases are the same.

Mr. BROWN. It seems to me, Mr. Chairman, that His Excellency must have forgotten entirely the course of this trial in reference to this matter, else he would not take the position before the committee which he takes this morning. In the cross-examination of one of my witnesses, he undertook to read from the books of the Chardon Street Home, and I objected to their going in as evidence. The committee then said it was not proper for him to use those books and to read from them for the purpose of having those entries go in evidence, unless there should be some explanation made to show how those entries

came in the books ; and then His Excellency said that that would not be proper, and he would not call a witness. Now he wants that rule reversed. His Excellency has turned a complete somersault since the books of the Chardon Street Home were offered.

Gov. BUTLER. A little too heavy for that.

Mr. BROWN. I don't care anything about the weight ; you can do it beautifully. Now, where are we this morning ? His Excellency wants to identify that piece of human skin — he says it is — and to put it in this case. The committee have stepped aside from the usual rule and have permitted him to introduce a witness for the purpose of translating the inscription on that article, whatever it is, which is in Swedish, and we now have it translated into English. Now, the gentleman from Worcester of the committee has made a very sensible suggestion to the committee, and I endorse it fully. I go with him to the full extent to which he has suggested, that any question which His Excellency wants to ask this witness on the stand, my witness, about that skin, he has a right to ask. But he has no right to call a witness of his own to testify in regard to anything there is on that, or anything about it, — where it came from, who got it, how it was prepared, or anything of the kind, or where it came from. Nothing of that kind has he a right to do, but if I produce forty more witnesses he can take that piece of skin and ask every one of them if he knows any thing about it, and I shan't object ; it would not do me any good if I did object, because I am powerless under the rules of proceeding in this Commonwealth in all our courts. But the idea that this committee should interrupt my defence to allow His Excellency to introduce a long line of witnesses in order to establish that the body from which that piece of skin is said to have come was the body of this man who died in Tewksbury on the third of August, is the most absurd and astonishing proposition that I ever heard. And, while I should be disposed to be very courteous and to submit to the judgment of this committee in all matters, I desire to say, for my own self-respect, that while I am conducting this defence, I shall not allow, and so long as I remain here as counsel, I shall not allow my defence to be interrupted by any such course of conduct. I don't know when or where His Excellency might stop. He might go on for the next three weeks. He has already occupied by actual count five minutes to every single one that I have occupied in putting

in my defence. — that is to say, by actual count from the watch, he has occupied in cross-examination five minutes to every one minute which I have occupied in the direct examination of my witnesses.

MR. MELLEN. Now, Mr. Chairman, that is not a matter —

GOV. BUTLER. That is very well ; but I should like to know who held the watch.

MR. BROWN. I will produce the man who held the watch before we get through this, if it amounts to anything. I have had you timed ever since you have been here.

GOV. BUTLER. We will see.

MR. MELLEN. Mr. Brown does not take in my full proposition, to my mind. Now, I should like to ask the committee of what avail would it be to us to permit Gov. Butler to ask this witness a series of questions about that piece of parchment if, after he had asked the questions of this witness, and other questions relating to this parchment of other witnesses, if in the end we would not admit the parchment?

THE CHAIRMAN. The one answer to that is that the governor should have produced his witnesses and the parchment when he had the trial in his hands.

MR. MELLEN. Possibly he didn't have it then. I maintain that it is the convenience of this committee, rather than the convenience of the counsel or of Gov. Butler, that should be suited.

THE CHAIRMAN. Exactly ; but —

MR. MELLEN. If that is true, I can't for the life of me see how anybody can maintain that it is not for the convenience of this committee to find out what value there is in this parchment as evidence in this case before time is wasted in asking questions of this witness or any other about it. First let us know what it amounts to. Now, the governor says he has got a series of questions to ask this witness, —

THE CHAIRMAN. Let him ask them.

MR. BROWN. I sha'n't object.

MR. MELLEN. I object to taking up time which may be for naught. I want to know if it is to amount to anything ; I want to know what this parchment is. It seems to me the committee should want to know, and should not want to dodge behind a technicality.

THE CHAIRMAN. I don't think they do ; but if the committee

is to be interrupted first by one side taking one day and then the other the next day, we never shall get through.

MR. MELLEN. If this matter is to be considered it should be considered at the most convenient time. I think the most convenient time is now, when he has a witness on the stand he wants to ask about this very parchment.

MR. BROWN. I don't object.

MR. MELLEN. Then let us go on and find what this parchment is.

MR. BROWN. I don't object to his asking this witness any questions he desires.

GOV. BUTLER. You say only your witnesses, and I want mine.

MR. BROWN. I object to that.

THE CHAIRMAN. It is moved that the governor be allowed to call his next witness and examine him in regard to this parchment.

MR. PUTNEY. I submit, Mr. Chairman, that from the first commencement of this investigation up to the present moment we have had questions of a similar character continually coming up to be decided by this committee, and, I think, it has been the purpose of the committee in every case on both sides to admit anything and everything that was reasonable. Evidence comes in here without the committee having the slightest knowledge of what that evidence is, and, before we know it, there are questions coming up which ought to be sustained by other questions, and, it seems to me, that this is one of these matters. On last Friday it was a question before this committee whether or not this parchment should be admitted here as evidence, and, with that proposition pending, with a view that the governor should bring witnesses here to sustain the proposition, the investigation adjourned. Now, I hold that this matter of calling new witnesses should come in in proper place; that is, in rebutting testimony. But, on the other hand, if the governor has but one witness, it seems to me it is a saving of time to hear what that witness has to say, and, then, if the committee will vote in the future to allow nothing to come in except what would naturally come in under the usual ruling of the court, I shall hold up both hands.

MR. GILMORE. I think Mr. Putney is a little at fault in his last statement. The understanding was, as I understood it, on Friday, that Father Gigault was to bring his books to-day to reinforce his memory, from which he should testify.

Mr. PUTNEY. I think there was a statement made —

Gov. BUTLER. I think if you will look at the record you will find that is a mistake.

Mr. PUTNEY. I think there was reference made to another witness.

Mr. GILMORE. There has been a promise made with every piece of skin offered here that it was going to be connected with Tewksbury, and I fail to see any connection yet.

Mr. MELLEN. Then let him show you; that is what he proposes to do now.

Mr. MURPHY. Here is a chance for you.

Mr. MELLEN. Here is a fight against the opportunity of proving there is a connection. That is the way it looks to me.

Mr. GILMORE. This parchment was introduced in the examination of Father Gigault, and, in my opinion, he is the man to identify it, or say he can't identify it, and that ends it.

Mr. PUTNEY. I call for the reading of the last portion of Friday's testimony.

[Record read by Mr. Brown.]

Mr. MURPHY. I call for the question.

The CHAIRMAN. The question is whether the governor shall be allowed to call another witness on the point of this parchment at the present time.

[The question was put to the committee.]

The CHAIRMAN. I vote in the negative, purely on the ground that it is not competent at the present time. The committee stands 4 to 4, and it is rejected.

Mr. MELLEN. Mr. Chairman, I protest against this.

The CHAIRMAN. Your protest will go on record.

Mr. MURPHY. I protest, also, so as to go on the record.

Mr. MELLEN. It is only in keeping with your other acts; we don't expect anything from you.

The CHAIRMAN. Everything that you say is taken at its proper worth here.

Mr. MURPHY. I value it very highly, Mr. Chairman, for one.

Mr. RISTEEN. It seems to me, Mr. Chairman, it is out of the usual course.

Mr. MURPHY. It is very unusual, at least.

The CHAIRMAN. The chairman has a right to vote, and has voted every time.

Mr. MELLEN. You vote when there is a tie, not otherwise.

The CHAIRMAN. Proceed, Governor.

Q. Have you got your books of burials? A. This is the first record. [Handing book to governor.]

MR. MELLEN. I think we had better consider the question whether to have a new chairman or get our old chairman back.

MR. LEARNARD. I call the gentleman to order.

THE CHAIRMAN. You can do as you please about that; you are not here more than one-tenth of the time.

MR. MELLEN. When I am here I act decent; that is all I can say.

THE CHAIRMAN. The gentleman is pretty well known, I think.

MR. MELLEN. You will be before this is over, I think.

THE CHAIRMAN. Proceed, Governor.

Q. Does this book contain all the burials? It commences, I see, in January, 1879. A. Not all; but for two years, 1879 and 1880.

Q. For 1879 and 1880? A. Yes.

Q. That is, it contains all the burials for that year? A. For that year.

Q. That you made? A. That I made.

Q. Where you made funeral services, and you made funeral services in each one? A. For each one of those mentioned there.

Q. That are found on the book. Now, have you got the other? A. That is a record for all of them; I have not the one for the other years. I could not find it, this memorandum; I gave the list to the institution; I have only for this year.

Q. For what year? A. For this year, and for 1879 and 1880. The others, I could not find them, because I am not bound to keep any record; it is a private thing. I gave the list to the institution, and I know they kept it there.

Q. You did give a list to the institution; did they ask you to do it? A. They asked me to do it.

Q. How often did you give this list? A. Well, every month or two months, generally; every two or three months.

Q. To whom did you give them? A. To the secretary, the clerk of the institution, Mr. Charles Marsh.

Q. Then he had a record of the funerals? A. He has.

Q. So far as you are concerned. A. Given him at his own request.

GOV. BUTLER. Mr. Brown, I would like that record produced.

Mr. BROWN. What?

Gov. BUTLER. The record of the burials of the institution, given by Father Gigault to Charles Marsh.

Mr. BROWN. Does he testify he kept any record of the burials? I understood him it was a record of the bodies over which he performed funeral rites.

Gov. BUTLER. Usually that is a record of burials.

Mr. BROWN. But you say in this case it has not the slightest value. I wanted to find out what you meant, because you said people who had masses said over them went immediately to Harvard College.

Gov. BUTLER. No use of having any —

Mr. BROWN. Now you are in the wrong and you want to stop.

Gov. BUTLER. Pardon me; we can't have any trouble about this. I assume, when funeral rites are said over a man, that is his burial. If any man steals the body after that, I am not responsible; therefore I am asking him for the record of the burials.

Mr. BROWN. I only wanted to understand you. I will make inquiries to ascertain.

Gov. BUTLER. The record of burials Father Gigault swore he gave to the clerk of that institution,—I will ask you to produce it.

Mr. BROWN. I will endeavor to; I can't produce it at this moment.

Gov. BUTLER. That is all with you, Father, now.

Mr. BROWN. Now, let us see that book which you have received from Father Gigault.

Gov. BUTLER. Certainly, sir; I have no concealment.

Mr. BROWN. What is to be done with it; is it to be offered in evidence?

Gov. BUTLER. I am going to examine it and offer it in evidence.

Mr. BROWN. That is, after you have examined it, but you don't desire to do it now?

Gov. BUTLER. I cannot have time to examine it now.

Mr. BROWN. Excuse me.

Q. (By Mr. BROWN.) Is the name of Charles J. Ekland in that book, Father Gigault? A. No, sir.

Q. It is not? A. No, sir.

Q. And, within your experience, Father Gigault, the Swedes

are not Catholics, are they? A. I think they are not generally; I cannot say sure; that is my opinion.

Q. And you never saw a human body that had this inscription on the breast with this writing? A. Well, I cannot tell exactly; the last time I gave evidence I was a little taken by surprise, and, as I said, I did not recollect at all. I know I have seen a man at Tewksbury who had some tattoos on his body. I saw two or three, perhaps, in the course of the six years, but I don't recollect if it was on that man that I saw. I know there was a man there that was tattooed in a wonderful way; that is all I know.

Q. (By Mr. MELLER.) Any of these men Swedes? A. I think there was a Scandinavian; I don't know he was a Swede; but some of the inmates told me that he was wonderfully tattooed, and they wanted to show it to me: but I don't recollect the name of the man, nor I don't recollect the kinds of figures that were in these tattoos, so I can't tell if I saw them or not.

Q. (By Mr. BROWN.) Do you know anything about the Swedish language, Father Gigault? A. I don't know, sir.

Q. You are not able to translate it? A. No, sir.

Q. (By Gov. BUTLER.) Now, Father, did they tell you what that tattooing was?

Mr. BROWN. Now I object.

Gov. BUTLER. Why?

Mr. BROWN. It is nothing but hearsay.

Gov. BUTLER. You sat as quiet as a lamb, and let him tell you what the inmates said; now I want to know what they said at the same time.

Mr. BROWN. Because you didn't object.

Gov. BUTLER. Pardon me. I want it to go in, why should I object; and I thought I would find out the rest they said. Now, I want to know what was said by the inmates at the same time; can you put in a part of it and then stop me?

Mr. BROWN. Not at all.

Gov. BUTLER. Then I will go on.

Mr. BROWN. His answer was not in response to anything I put to him.

Gov. BUTLER. I beg your pardon.

Mr. BROWN. You look at the question and you will see.

Gov. BUTLER. You sat by and let him answer; I want to know what was said at the same time by the inmates.

Mr. BROWN. Go on; I don't object.

Q. Did they tell you what that tattooing was; was it a figure of the crucifixion? A. Well, I can't tell.

Q. You can't tell? A. I cannot tell, because I was passing away and did not pay much attention.

Q. Was that said at the time, that he was passing away? A. I say it was passing away from me, because, going there on ministerial duty, I didn't look around except for my ministerial duty. I had nothing to do, if I recollect, with that man.

Q. The inmates called your attention to some man that had some wonderful tattooing on him? A. Yes, sir.

Q. And you understood he was a Scandinavian? A. I think so; I am not sure.

Q. His name is not on this record? A. It is not.

Q. Was it called to your attention by the Catholic inmates? A. Well, I think so, but I am not sure. I think so; I am pretty sure it was so.

Q. You are pretty sure it was so; very well. Now, we will see about the third of August. [Referring to the book.]

Mr. BROWN. He says it is not there.

Gov. BUTLER. I know, but I want to make that certain; you have no objection to that.

Q. Of course he would not be buried the same day he died, but, however, we will begin at the third. Interpret this book a little. There, on that column, is the name, — in 1879, was it?

A. In 1879, with the dates here. [Referring to the book.]

Q. And in that column [referring to the book] are the people who died in 1880? A. The same year, but there was not room enough in the other column.

Q. Now, how shall I tell which the 1880's were? A. What?

Q. How shall I tell which were buried in 1880, here? A. In 1880? I have a record in the first part of the book for those in 1880, beginning here. [Referring to the book.] It is only a memorandum; it is not in proper form.

Q. The form is good enough. That is, the burials in 1879 are under what is headed "cash account" in this memorandum?

A. This cash account is for another parish of which I have the charge.

Q. I understand; it is printed here, that is all I mean. A. It is printed here; I did not mind.

Q. And the burials for 1880 are in what would be called the

diary part? A. Well, all these things are memoranda for different things besides. It is pretty much mixed up, because it was only for myself.

Q. What is names is burials, and what is other matters is other matters? A. Yes, sir.

Gov. BUTLER. That is all right; I only wanted to get it so I should know about it. That is all, sir.

Mr. BROWN. That is all, sir.

TESTIMONY OF ABRAHAM S. BARNARD (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Abraham S. Barnard.

Q. And what is your business? A. I am a cook.

Q. Where? A. State almshouse, Tewksbury.

Q. How long have you been cook at the State almshouse, Tewksbury? A. Well, almost fourteen years.

Q. Almost fourteen years; have you been what is called the "boss cook?" A. Yes, sir.

Q. And all these other cooks we have heard about have been under you, have they? A. Yes, sir.

Q. Now, I want you to tell me if there has been any substantial change in the cooking at Tewksbury during the fourteen years which you have been there; and, if so, what? A. Well, sir, there has not been much; I have not been there all the time, steady.

Q. Well, what part of the time haven't you been there? A. When I first went there it was 1860.

Q. 1860? A. August 28, 1860.

Q. How long did you stay, then? A. I stayed two years; till September, 1862.

Q. And then how long were you away? A. I was away about two years.

Q. And then you went back? A. Yes, sir; I went back in 1864.

Q. And you have been there continuously since 1864, have you? A. No, sir.

Q. Well, how long did you stay when you went back in 1864? A. Well, I stayed there till 1871; December 9th, 1871.

Q. Then how long were you away? A. Then I was away, — December 16 I went to the Monson State Primary School and stayed there till 1877; January, 1877.

Q. Then you came back and have been there ever since?

A. I came back and went to Andover,—that is where my home is,—and stayed there about a year and a half, and came up back to Tewksbury in 1878, the last of June, 1878, and I have been there since, about five years. In all it is about fourteen years and a half I have been there.

Q. About fourteen years and a half, and commencing with 1860? A. Yes, sir.

Q. Well, now, during these fourteen years, at the three different times which you have been at the institution, has there been any substantial change in the quality of the food or the character of its preparation, and, if there has been, state what it is? A. Well, I don't know that there has been much change as far as well people are concerned, not much of a change, but there has been a change amongst the hospital sick. Their living is better than it used to be back in 1860.

Q. Back in 1860? A. Yes, sir.

Q. Now, you say you don't think there has been much change among the well people; if there has been any I want you to state what it is. A. Well, I don't know; I think their food is just about the same; I don't know as there is any difference in it. It was very good then and about the same now.

Q. Was the bread good in 1860? A. Yes, sir; it was pretty good.

Q. Well, now, we have heard a good deal said about soup which was so thin you could not see any meat in it, and no indication that there had ever been any meat in it; did you ever make any such soup as that? A. I don't calculate there shall be much meat in it. The soup we make,—we cook the meat, and then take the meat out and carve it off from the bone, and it is put in pans, and that is served out. Then the water that this meat is cooked in,—there are some particles of meat, of course, in it, but not much; we don't calculate to have much, for we take it pretty much all out,—then we put vegetables in the water,—the tea, beef tea, you might say,—vegetables and rice and bread, and then we put in a flour batter, which gives it a little body; and I most always, through the hot weather, skim it a little, for there is so much meat and so many marrow bones and so forth, there is so much fatty substance on it it is too rich for them in hot weather; that class of people are subject to diarrhœa if their food is too much of a greasy nature, so I skim it a little, but not in the winter time, cold weather.

Q. It is always done that way, is it? A. Yes, sir; I don't see how it could be made any better.

Q. That is the way soups are made in all the first-class hotels, is it not?

Gov. BUTLER. Wait a moment; let us see how much he has cooked in first-class hotels.

Q. If you know anything about it. A. I don't know.

Q. You don't know; you are not acquainted? A. No, sir.

Q. That has been your invariable practice during the summer months, to skim off the fat? A. Some of it; not all of it.

Q. Not all of it? A. No, sir; not more than half, through the warm weather.

Q. And that, you say, is to prevent sickness? A. Yes, sir; it would not do for them to eat it all; if I didn't take off some it would be apt to make sickness. It has done it; so I take off a little through the hottest months.

Q. Have you ever received any instructions in that regard from the medical department of the institution? A. Yes, sir.

Q. When? A. Why, about the first of my going there the doctor spoke to me, the head physician, about it, through the summer months, July and August; the hottest weather.

Q. Do you recollect the name of that physician? A. Well, Dr. Lathrop spoke to me, wished me to skim it a little, and not use too much grease, greasy nature, through the hottest months.

Q. Now, Mr. Barnard, have you ever made any estimate in your ordinary cooking, where you have five or six hundred pounds of meat, to see how much waste, bone, etc., there is in the meat? A. Yes, sir.

Q. Will you state what your experiment was? A. Well, I always found that there was about 25 per cent., about one-quarter bone.

Q. Does that run through the animal; in using the entire animal, that you find to be the percentage, about? A. Well, such pieces as we have; we most always have about such pieces for soup.

Gov. BUTLER. Is he now speaking of the whole meat or only that which he has for soups?

Mr. BROWN. That is what I want to find out.

Q. Is that limited to such meat as you use for soup, or does it apply to all the meat you use? A. All the meat I use. — corned beef, and fresh beef for soup. I have weighed the bones

a good many times in years past just to see what the bones weighed, and I always found it was about one-quarter part bone.

Q. One-quarter part bone by weight? A. Yes, sir.

Q. Now, Mr. Barnard, I want you to state, commence with Monday, and tell us what you have cooked in that institution for the inmates on each day right through the week? A. Yes, sir.

Q. Commencing with Monday. A. Yes, sir. Well, sir, I don't always have the same; I vary some; sometimes have some vegetables, but most of the time I cook rice Monday, and corned beef; have a sauce made to eat on the rice, — corned beef and rice.

Q. Any vegetables? A. No, sir; sometimes, instead of rice, I will have vegetables, — perhaps cabbage and corned beef.

Q. The bread is not cooked in your department, is it? A. No, sir; that is in the bakery.

Q. Now, as to the character of the corned beef; is it good, wholesome corned beef? A. It is good beef.

Q. Did you ever cook any corned beef which was so salt it could not be eaten by anybody? A. No, sir.

Q. Did you ever see any there at the institution of that character? A. We always took it out a day or two beforehand and put it to soak to freshen it.

Q. You always do that? A. Yes, sir; always.

Q. And then cook it. A. Well, now, a day beforehand I always take the meat out and put it to soak to freshen it, and cook it the next day. It is not very salt; perhaps it would be too salt, — I have no doubt it would, — if I didn't freshen it, but I always freshen it before cooking.

Q. Well, now, take the sauce which you have for the rice; how do you make that? A. I make a sauce about one-half — no, about one-third water, one-third molasses, and one-third flour batter, and then put in, perhaps, a couple quarts, — about a couple quarts of sharp vinegar to give it a little lively taste; that is the sauce I make.

Gov. BUTLER. A couple quarts of what?

Mr. BROWN. Vinegar.

The WITNESS. That makes it a little mite acid; they like it better.

Q. What else do you have for sauce for Monday? A. This is Tuesday; I don't make any other sauce for Monday.

Q. What do you have for breakfast Monday? A. We have bread and coffee for breakfast, and bread and tea for supper every day.

Q. And this is for dinner? A. This is for dinner.

Q. Now, take Tuesday, what do you have? A. Tuesday's dinner is fresh fish, bread, and a sauce.

Q. Now, I want to know, Mr. Barnard, have you been in the habit of cooking stinking fish on Tuesday, or any other day in the week; fresh fish? A. No, sir; no recollection of ever cooking a mite since I have been there.

Q. That is what I was going to ask you: did you ever cook a mite of stinking fish since you have been there? A. Not a mite.

Q. What do you have on Tuesday with the fish? A. Have potatoes and a sauce and bread.

Q. How do you make your sauce? A. That sauce is made. — I put in about half water, and I use about ten pounds of the beef skimmings. I always, after cooking the beef, take the skimmings off, and I always keep the best of it for my gravy, sauce, etc.

Q. Have a refrigerator to put it in in hot weather? A. Yes, sir, and plenty of ice; and I use about ten pounds of this beef skimming and a flour batter, and season it; that is all.

Q. Now, this fish; what kind of fish is it? A. This is fresh fish; it is mostly cod and haddock.

Q. How does it come? A. It comes in barrels.

Q. In barrels? A. Packed in ice.

Q. Where from, so far as you know? A. I think it comes from Salem.

Q. Packed in ice, is it? A. Yes, sir.

Q. Through the hot weather, do you find it, generally, well preserved? A. I do; oh, yes, sir; it is all right. There is always plenty of ice in it when I take it out.

Q. Now, take Wednesday; what do you have on Wednesday? A. Wednesday we have fresh beef soup.

Q. Fresh beef soup? A. Yes, sir.

Q. Just tell us how you make that soup? A. Well, sir, we put the meat in,—we have about 600 pounds.

Q. Six hundred pounds? A. Yes, sir; put it in two large boilers that hold about 160 gallons each,—put about an equal half in each boiler, and boil it. After it is well done, we take it out in tubs, and move it up to the tables, and take it all up

on the tables and carve it, the meat from the bones, and put it in pans. Well, then, that water that that beef is cooked in,—tea,—we make the soup of; put in so much rice, so many vegetables, and so much bread cut up fine.

Gov. BUTLER. The same soup he told us about before.

The WITNESS. Yes, sir; just the same.

Q. The same you told us about before? A. Yes.

Q. How is that served? A. That is taken out at dinner time in our dining-hall, where our men dine; that is carried in there in cans, and turned into bowls; there is a plate set on the table, and a row of bowls, and the bowls are filled with that soup, and the meat is put on the plate; and they come from the other wards, and the hospital and the insane asylum, and other wards,—they come and get it as they want it.

Q. Breakfast and supper as before? A. Yes, sir.

Q. Tell us what you have Thursday? A. I am in the habit of having pea soup, most of the time, Thursday. Sometimes I have vegetables through the summer time, when there is corn and other vegetables; I have it instead of pea soup; but, through the winter, I have pea soup, generally, and corned beef.

Q. And corned beef? A. Corned beef; and I will further say that is for the well people; but I cook 200 pounds of fresh beef.—roast beef.—roast that every Thursday for the hospital and insane asylum. That goes there; the hospitals don't get any of this corned beef.

Q. Now, as to your pea soup; how do you make that? A. Well, I use about a bushel and a half of peas for pea soup. I make something like 125 gallons, I should say. I put these peas in, wash them the night beforehand, or afternoon, and put them in and soak them, and let them swell over night, and then boil them; put the steam on and boil them the next day, boil them till I get them well pulverized; and then I put in,—cut up pork fine and put in small pieces.

Q. (By Gov. BUTLER.) Put in what? A. Pork, fine pieces; small pieces of pork to enrich it.

Q. (By Mr. BROWN.) How many pounds of pork would you put in to a bushel and a half of peas? A. Sometimes I put in some beef skimmings. I never weighed it, but I should judge there might be twenty pounds or so. After the peas get well pulverized, well cooked, then I can fill it up, you know, as you want it. The soup,—you don't want it too thick.

Q. But the soup, when it is finished, is it of pretty good consistency? A. Yes, sir.

Q. It is not so thin you can see through it? A. Oh, no, sir; no, sir. It is pretty thick; pretty good thickness; always considerable peas you can find in the bottom of each bowl, always, where we turn it out.

Q. Now, take Friday: what do you have on Friday? A. Friday is a day when we have salt fish and potatoes.

Q. What kind of fish is that? A. It is mostly pollock, although the superintendent has, for two or three years past, bought considerable of this boneless fish, put up in boxes, half a ton or a ton in a box.

Q. That is codfish, is it? A. That is mostly codfish; a pretty nice fish.

Q. Called "Cape Cod turkey." Well, what do you have with your salt fish? A. I have the same sauce that I have with the fresh fish.

Q. Made in the same way? A. The same way, sir.

Q. What else? A. In the winter time we cook vegetables, etc., beets, with salt fish. I cooked some fifty or sixty bushels of beets this last winter, with vinegar. They go very well with salt fish.

Q. Saturday? A. Saturday I have pea soup again; we have it twice a week, Wednesdays and Saturdays.

Q. Now, take Sunday? A. Sunday we have baked beans.

Q. In the morning or at noon? A. At noon.

Q. At noon? A. At noon, sir.

Q. Did you know Cornelius H. O'Brien? A. I knew there was a man there by that name.

Q. Did you ever see him at the table at his meals? A. Yes, sir.

Q. Did you ever observe any lack of appetite? A. Why, no, sir; I always noticed that he ate very well.

Q. The quality of the food didn't seem to trouble him, did it? A. No, sir; he took hold of it well; I never saw any trouble.

Q. Now, do you cook in your same kitchen, for the hospital, other things except roast beef? A. No, sir; there is a little kitchen adjoining mine where they cook for the hospitals.

Q. Do you have charge of that? A. No, sir; there is another gentleman has charge of that.

Q. What is his name? A. His name is Barrett, — no, I

mean Hale, I don't know what his given name is, but I think it is Merritt Hale; I won't be positive about that.

Q. Now, I want you to tell me whether, during any period when you have been connected with this institution, you have ever cooked any unwholesome meat or fish, or other kind of food? A. No, sir.

Q. To be served to these inmates? A. No, sir; I never have.

Q. Is the officers' table, that is, the table where the attendants take their meals, — is that supplied from your kitchen at all? A. No, sir; only some bread taken over there, sometime, our bread.

Gov. BUTLER. That is the baker's department.

Q. That is the baker's department; but whether or no you supply them at any time with soup for their table? A. No, sir; I don't know, — well, a few years ago they used to come, sometimes, and want a little, sometimes, sir, pea soup, and sometimes some beef soup; but recently they haven't; lately.

Q. You have all the necessary apparatus for cooking there in large quantities? A. Yes, sir; everything.

Q. Now, do you prepare the tea and coffee, or is it prepared under your direction? A. Yes, sir.

Q. What kind of coffee do you use? A. Well, sir, I don't know as I could tell you the name. It is the real coffee bean burnt, and I grind it every day as we use it; but as to the name of the coffee, I don't know as I can tell you.

Q. Do you burn it and grind it right there? A. No, sir; it is already burned when it is brought, but I grind it.

Q. So that it comes in the bean and you know you have coffee? A. Yes, sir.

Q. It is not chickory? A. No, sir; it is pure coffee, and one of my men grinds it every day as we use it.

Q. Now, what quantity of coffee do you use each day? A. Well, sir, I have 18 pounds; I use for my use 15 pounds, and three pounds goes to the hospital, the cook-room. I use 15 pounds.

Q. In how many gallons of water? A. Well, sir, I am using about 120 gallons, now.

Q. Fifteen pounds of coffee? A. Yes, sir; not quite 120 perhaps, 115. When I put in the milk, after I put in the milk, it brings it up to about 120 gallons.

Q. How many gallons of milk? A. Well, there is about thirty quarts I put in.

Q. Do you put the milk in before it is served? A. Yes, sir.

Q. How much sugar? A. Put in sugar and milk.

Q. How much sugar in the 120 gallons? A. We are using fifteen pounds of sugar through the summer months; in the winter time we use about twenty.

Q. Now, do you prepare coffee twice a day? A. Each time.

Q. Twice a day? A. No, sir; coffee at breakfast.

Q. Coffee at breakfast, tea at night? A. Yes.

Q. Do you have coffee or tea at noon? A. No, sir; we have water.

Q. Now, Mr. Barnard, I want you to bring down here to-morrow morning a quart bottle of that coffee prepared in the regular way; you will remember that, will you? A. Quart bottle?

Q. Filled with the coffee prepared in the regular way as you have described. A. Yes, sir.

Q. Will you see that is done? A. Yes, sir; of the coffee.

Q. The coffee. Now, we will come to the tea; what kind of tea do you use? Q. Well, it is a black tea, and a green tea, about half and half, mixed.

Q. How much tea do you use? A. Seven pounds.

Q. Seven pounds to how many gallons of water? A. About the same quantity of water.

Q. The same quantity of water as for the coffee. A. Seven pounds of tea through the summer months; in the winter time we usually have about ten pounds.

Q. Do you put the milk into the tea before it is served to the inmates? A. Yes, sir.

Q. This is skim milk, is it? A. No, sir; no, sir.

Q. Skim milk? A. No, sir; the cream is on it; we don't skim any.

Q. Good milk? A. Yes, sir.

Q. I want you to bring down another quart bottle of that tea, if you will, to-morrow morning. A. Yes, sir.

Mr. BROWN. The governor and I will have a little tea-party.

Q. Now, is there any other article which you cook in that

kitchen of yours which you haven't named? A. I cook some greens for a change, such as spinach and dandelions.

Q. And those are served to the inmates? A. Yes, sir; we didn't get a great many at a time, so I let them go around to the hospitals, among the sick ones, and the old men's ward.

Q. Any other article of food that I have not called to your attention that you cooked there? A. Well, when it is a bearing year, and apples are plenty, we make a good deal of apple sauce.

Q. That is served to inmates? A. Yes, sir.

Q. Well, when it is not a bearing year? A. Well, we give them out; when we have apples we give them out to be eaten in a raw state. In 1880 there was plenty of apples. It was a great bearing year, and we used one hundred barrels of apples for apple sauce. We made it ten weeks, ten barrels each week, of apple sauce for the inmates. Served all round.

Q. In a bearing year there are plenty of apples there? A. Yes; I give out a great many to be eaten in a raw state. Since then, they have not been plenty enough so I could make much apple sauce.

Q. Well, any other article of food? A. Tomatoes. Several years I have made sauce of tomatoes.

Q. Tomatoes grown on the place? A. Yes, sir.

Q. Any other article of food? A. Melons.

Q. Grown on the place? A. Yes, sir.

Q. What else? A. Cucumbers and such kind of vegetables; plenty of those in the summer season.

Q. What else? Anything else that you recollect? A. Well, sir, I don't know as I think of anything else now.

MR. BROWN. Your witness, Governor.

GOV. BUTLER. Decidedly so.

Cross-examination by Gov. Butler.

Q. You were there in 1862, I believe? A. Yes, sir. I left there in 1862.

Q. What time? A. I left the first of September, 1862.

Q. Well, the crops were pretty well grown then. Well, now, there is something you must have left out here. I hold in my hand the report for 1862. I see you haven't given us any potatoes in all this? A. Well, I spoke about them. I said potatoes once, and afterwards I didn't think anything about them.

Q. You thought about it, but you didn't say anything about it? A. I spoke of it once. Potatoes, I said; and afterwards I didn't mention it. We cooked potatoes.

Q. You gave them one or two potatoes, I suppose, with the corned beef? A. Well, we cooked potatoes fish days — the two fish days.

Q. Didn't you cook potatoes on corned beef days? A. No, sir.

Q. Well, on the fish days, you gave potatoes? A. Yes, sir.

Q. Do you mean with salt fish? A. Salt and fresh fish days, Tuesday and Friday, potatoes.

Q. Now, I find here, in the first place, that they raised on the farm thirty-two tons of carrots. Did you get any of those? A. Yes, sir; we cut up carrots to put into the soup.

Q. And then, thirty-seven tons of beets? A. I cooked a great many beets during the winter.

Q. Then 2,165 bushels of potatoes? A. Yes, sir.

Q. Then here is a whole acre of sweet corn; what became of that? The inmates didn't get it? A. Oh, I cooked sweet corn.

Q. I told you to tell me — A. I said in the summer season I omitted the soup, and cooked corn.

Q. Well, here I cannot be wrong; 16,260 heads of cabbage. You haven't said cabbage once.

Mr. BROWN. I beg pardon; he said he cooked cabbage.

The WITNESS. I said I sometimes cooked cabbage Mondays; on Mondays instead of rice, and sometimes on Thursday.

Q. Well, what did you do with all these 16,260 heads of cabbage, only giving them on Monday or Thursday instead of rice? A. Well, sir, we cook them right straight along in the winter season, once a week.

Q. What day was that? A. And I have done such a thing as cook them twice a week.

Q. What day was that? A. Mondays.

Q. Well, now, here was one hundred bushels of English turnips. What became of those? A. Well, I cooked those. Those came in with the vegetables. I cooked them; put them in the soup.

Q. Here were 137 bushels of onions? A. Yes, sir.

Q. What was done with them? A. I cooked them at times. I always put some in our soups too,

Q. Then there was 11,500 pounds squash; what was done with that? You haven't said squash, I know. A. Well, I cooked the squash.

Q. I know; you remember that you did it all as soon as I ask you. You swore just now, you told Mr. Brown you had told everything? A. That didn't come into my mind.

Q. Now, there were 213 bushels of barley. What was done with that? A. I don't know.

Q. What was done with 30 bushels of beans? Those were cooked? A. I cooked beans.

Q. Now, then, that was in 1862; 16,260 heads of cabbage — did you buy any cabbage for that establishment? A. Did I what?

Q. Did they buy any cabbage for that establishment? A. No, sir; not that I know of. I went away in September, 1862.

Q. Now, will you come to a time when you do know about it. Let us see how much cabbage you cooked this year, if you didn't buy any. They raised on the farm a lot of English hay, second crop, rye straw and corn ensilage — that didn't go into the kitchen. Well, now, then, they had 11,500 pounds of squash in 1862, and in 1882 they had only $\frac{1}{2}\frac{2}{0}\frac{4}{0}\frac{5}{0}$ tons of squash; that shows they were short of squash last year? A. Yes, sir.

Q. You had 65 bushels of rye, 2,000 bushels of potatoes, 87 bushels of turnips, 60 bushels of carrots, 82 bushels of onions, 120 bushels of beets, 41 bushels of peas, 47 bushels of beans, 67 bushels of corn, 71 bushels of tomatoes, 50 bushels of parsnips, and you had no cabbage — yes, you had; you had 300 red cabbages. You didn't cook those much? A. No, sir; I didn't use those.

Q. Now, here is a farm and not a cabbage raised on it last year. Then you didn't cook any last year? A. No, sir; I didn't cook any last year.

Q. No cabbages last year; but in 1862 they had 16,260 heads of cabbage for the inmates. Corned beef and cabbage is pretty good living. But this year they had only three hundred heads of red cabbage. Well, they had 1,300 heads of celery last year; did you cook any of that? A. Well, sir, I cut up some and put into soup.

Q. They had 400 heads of cauliflower. Did you put that into soup? A. I cut up a good deal of that and put it into soup.

Q. Did you last year? A. Yes, sir. Cut it up, and it makes a very nice vegetable.

Q. I understand it does — a very nice vegetable. And the way to use it is to cut it up and put it into soup; is that so? Do you know any other establishment where they have that way of cooking cauliflower? A. Well, I didn't have enough of it to cook it for the inmates.

Q. And therefore, only having a little of it, you thought you would use it where it would do the least good? Did you cut that cauliflower up last year and put it into soup? A. Yes, sir.

Q. How much? A. What the gardener brought in. There was a considerable little mess of it; I can't tell just how much. He asked me a number of times if I would have some, and I told him yes, and he would bring it in or send it in.

Q. Then there was 2,500 asparagus roots. You had asparagus? A. Yes, sir; we raised some; we used to have some.

Q. And did you cut up asparagus and put it into soup? A. No, sir; didn't use any.

Q. Now, sir, did you make any sauce out of 159 quarts of currants? A. No, sir.

Q. Did you make any sauce out of 79 quarts of gooseberries? A. No, sir.

Q. Did you make any sauce out of 667 quarts of strawberries? A. No, sir.

Q. How many times did you have melons last year, that went to the inmates? A. Well, I had them some three or four times; I don't exactly remember.

Q. How many did you have? A. Well, I don't know; it takes about a cartload to go around. They had some three or four times a year.

Q. I should think they would. They had 1,900 melons. Well, you didn't have anything to do with the potted plants and the cuttings, I suppose? A. No, sir; that is out of my line.

Q. Who carried on that little greenhouse — no, not little, but that greenhouse? A. Well, it is a gardner we have there by the name of Fitzgerald.

Q. Didn't Charles Marsh have something to do with it? A. Well, not without he has charge of it. He has a little something to do with it, I suppose.

Q. What makes you suppose so? A. Well, he goes there occasionally; he don't do any work.

Q. Oh, no; I don't think he ever did. Now, didn't he — didn't you see flowers sent away? A. No, sir; I never saw any.

Q. Ever see any potted plants, bulbs and those things sent away? A. I cannot say that I ever saw any sent away.

Q. Well, now, I want to ask you a little about the food. You have been asked about the food. There never was an instance while you were there, when by any accident there was any tainted meat out of all the thousands of barrels that were bought? There never happened to be any accident by which any tainted meat got into that institution? A. I never cooked any tainted meat.

Q. I don't ask whether you cooked it or not; I will come first to whether it got there. Was there any tainted meat in those barrels? A. I recollect I unheaded a barrel of beef — I unheaded it all myself — and I took the head out of one barrel and it smelled a little tainted. I spoke to the superintendent about it, and he told me to put the head in again and he would send it right back to Boston. I don't recollect of any other instance.

Q. Never but once. When was that? A. I cannot tell, but I should say it must have been some three or four years ago.

Q. Once it did happen by accident that you got a tainted barrel? A. Yes; a barrel of beef; the barrel smelled very bad, and he told me to put the head back again and he would send it back.

Q. Whom did he get his beef of? A. I could not tell who he buys of.

Q. What kind does he buy; the best beef? A. Yes, sir.

Q. What kind? A. I could not tell you.

Q. What, a cook and not know what kind of salt beef you are cooking? A. Well, it is good beef.

Q. I know it is good, but in relative terms beef is classed, as I happen to know. I don't expect it was prime mess, and you say it was not mess: what was it? you ought to know. A. I don't mind as long as it is good beef.

Q. Pardon me; don't you know, whether it was good or not, what class it was? A. No, sir; I don't.

Q. Now you swear that all this time the beef came in bar-

rels and was branded, and you don't know what kind of beef it was ; was it inspected beef at all? A. As long as it was good I don't mind.

Q. Was it inspected beef at all? A. What say?

Q. Was it inspected beef at all? A. I could not tell you.

Q. Didn't you see the inspection mark on the barrel? A. No, sir.

Q. Then, so far as you know, it was all refuse beef that the inspector refused to pass? A. I know it was all good beef.

Q. I know ; it was very good, but for some reason it was not inspected? A. It might have been, but I didn't see. I didn't look.

Q. Now will you tell me another thing about that beef? When you say one quarter part was bone, was that so in the barrelled beef? A. Well, it was about the same : there was not much difference.

Q. Well, I don't want to know whether it was different from anything ; was this barrel beef that was bought or purchased there one-quarter bone? A. Yes, sir.

Q. Don't you know that that is the very poorest quality of beef that has that quantity of bone in it, and the most uneconomical to buy? You know enough to know that, certainly. A. Well, it was very good beef.

Q. I understand. You have told me how good that beef was a great many times. If any of us believe you we shall believe that. But now I want to know whether you don't know that it is only the poorest and coarsest beef that is put up with a quarter of it bone? What bones were in it? Don't you know that? A. No, sir ; I don't know as I do.

Q. Don't know that you do? A. No, sir ; I haven't studied into these things very deeply.

Q. You have been using it all the while for fourteen years? A. Yes, sir.

Q. And you don't know whether it is the poorest beef that is put up in that way — and you are a Yankee, I trust? A. Well, I —

Q. You claim to be? A. I claim that I am.

Q. You were born in Andover? A. Yes, sir.

Q. All right, both by birth and theology. Now, don't you know enough to know what kind of beef that was you were using? A. Well, I know it was good beef.

Q. Pardon me; you need not tell me that again. A. I didn't study anything else.

Q. Well, very well; you didn't study. What study did it take to tell what class of beef you are using? Well, now, again, what kind of pork — did you buy your pork there? A. No, sir; raised it.

Q. You used to salt pork there? A. Yes, sir.

Q. Always salted it? A. Yes, sir.

Q. Salt it last year? A. Yes, sir.

Q. Who salted it; you? A. No, sir.

Q. Don't you know they sold it last year? A. We salted up what we wanted for our own use.

Q. How much did you salt up? A. Well, we salted up some fifty barrels, I should judge.

Q. About fifty barrels; and sold how many thousand pounds? A. I am sure I could not tell you.

Q. Well, that I shall get somewhere else. Now, when you bought your beef, your fresh beef, — did you kill it on the place or buy it? A. Buy it, sir.

Q. Whom do you buy it of? A. It comes from Boston.

Q. Came out from Boston. How did it come? A. It comes in boxes.

Q. In what form? A. Three large boxes.

Q. Would you have the whole quarter? A. It would be cut up in pieces and put into those three boxes.

Q. Would it be the whole quarter of a beef? A. No, sir; not always a whole quarter. Some necks, and there was one shin to every hundred pounds.

Q. What? A. One shin to each hundred pounds.

Q. One skin to each hundred pounds? A. Yes, sir; one shin to each hundred pounds of beef; that makes six shins to six hundred pounds of beef that we have — neck pieces, chucks, and shoulder pieces.

Q. Now, by skins you don't mean hides? A. Shins.

Q. Because that would be too large a proportion; hides are too valuable. Now, what do you mean? What were the parts of the creature were there? A. Well, I had the neck.

Gov. BUTLER. That is one.

The WITNESS. Shoulder pieces.

Gov. BUTLER. That is two.

The WITNESS. Shins; and there are some other pieces about the "cretur" I don't know. I never worked butchering,

and I don't know enough about the "cretur" to name every piece.

Q. Well, some other parts of the beef that in fourteen years' experience you haven't learned to name. Whereabouts would it grow on the "crittur," whatever the name was? Had it the bone in it? A. Well, it all has bone in it — neck pieces and shoulder pieces.

Q. Shoulder pieces and neck pieces? A. And sometimes rib pieces and flank pieces.

Q. Very well; then all that you know is, the pieces of the creature with bone in it? A. Yes, sir; all has bone in it.

Q. And one-quarter of it bone? A. Yes, sir.

Q. And, unfortunately, that is the same kind they put up in these barrels, that is salted. Now, then, you took a quantity of this — about how much would the creature weigh that these pieces were taken from? A. Well, it was large, coarse beef; ox beef, I should judge.

Q. Now you took 100 pounds — I suppose it was very fat beef? A. It was very fat; it was very good beef.

Q. Now you would take 100 pounds of that to boil for fresh beef? A. 600 pounds, bone and all, we are having now.

Q. Bone and all? A. Yes, sir.

Q. And you would boil that? A. Yes, sir.

Q. How long? A. Well, it takes from two hours and a half to three hours; it depends on how smart the steam is.

Q. Then you would take it out? A. Yes, sir.

Q. And skim it? A. Skim it in the summer season, very hot weather; skim it a little.

Q. Never skim it unless in hot weather? A. Hardly ever do, unless it is very fat, except in hot weather.

Q. What would you do with the skimmings? A. Well, sir, I always keep those skimmings; the baker uses considerable of them.

Q. And he uses it for shortening? A. He uses it for greasing his pans.

Q. Well, the baker would use them, and you would make your sauce out of that skimmings? A. Yes, sir; some of it.

Q. And you would use it for what else? A. Well, there wouldn't be much left, anyway.

Q. I don't ask whether there was much left. Is there any left except what you and the baker use? A. Well, I keep what there is left; sometimes the farmers want some.

Q. Who? A. The farmers outside; sometimes they want it for their carriages.

Q. And the rest would serve for wheel-grease. Now, having done that, and only skimming in the summer, what did the farmers and the baker and you do when you didn't skim it in the winter? A. I always skim the corned beef when I cook it. There is a scum comes off of it, and the water of corned beef has it on.

Q. What? A. The water of corned beef has this scum on it, so I always take it off.

Q. Then you always skim the corned beef? A. Yes, sir.

Q. So that all they had for soup would be what was left after the grease was taken off and the meat was taken out? A. They don't make any soup out of corned beef.

Q. Never? A. Never. When we cook that we take the scum off and throw the water away.

Q. Then all they had for soup was this one boiling of beef in a week? A. Two boilings, Wednesday and Saturday; 600 pounds each day.

Q. Well, I think we get how that was done. I want to ask you about another question a little. Did you ever know anything about any bodies being carried away? A. Nothing more than I have heard.

Q. I didn't ask you if you took them. How long ago did you hear about it? A. Well, I have not heard of it until within two or three years, perhaps.

Q. Whom did you hear about it from? A. I am sure I could not tell you.

Q. Some of the inmates talked about it among themselves? A. Yes; I have heard it among the inmates. I didn't mind much about it.

Q. Do you say you didn't hear of it until after you went there a second time, in 1871? A. No, sir; I have no recollection of ever hearing it.

Q. Did you ever attend a funeral while you were there? A. No, sir; I never did.

Q. Did you ever know of anybody who ever did? A. I could not say for certainty; I think there are some of them that have.

Q. You cannot give the name of anybody that ever did? A. No, sir, I cannot.

Q. Did you know Mr. Manning? A. Yes, sir; I was some acquainted with him.

Q. Knew him quite well, didn't you? A. Some.

Q. Do you know what his business was? A. He was a farmer.

Q. Didn't you know he was in the transportation business? A. Yes; I have heard that he was, but I never heard him say that he was in it.

Q. Well, it was common talk, was it not, about his being in the transportation business? A. I never heard much about his business until now, lately.

Q. Well, within three or four years. Did you ever know of anybody getting hurt? A. I don't recollect of anybody getting hurt, unless one. I heard of one man getting hurt, outside there on the farm, by some insane man. I have no recollection of hearing of anybody else.

Q. Now, during all those years everybody was satisfied with what they had to eat? A. Yes, sir; everybody as well satisfied as you could get them.

Q. I want to know if they were all perfectly satisfied? A. I guess they were.

Q. What? A. I guess they were pretty well satisfied.

Q. I don't want any guess-work. Were they satisfied? Ever anybody make complaint? A. Hardly ever hear any one.

Q. Ever complain that the soup was a little thin? A. No, sir; I never heard any one complain about that. I have not heard a great many complaints about it.

Q. I am now asking you — it was so rich that you had to skim it to bring it down to the standard pitch. Now, did ever anybody complain? A. I never heard anybody ever complain.

Q. Did you hear of anybody? A. I don't know that I ever did.

Q. Did they complain of the meat? A. No, sir; they got plenty of it.

Q. I have no doubt they did. Did they ever complain of the quantity or quality of the fish? A. Well, I never heard them myself.

Q. They didn't come to you. You are not the man, I suppose, to buy it? A. No, sir.

Q. Did you hear complaints about it? A. No, sir.

Q. Then why did you say you never heard yourself? A. I never heard of any complaint, that I know of, about the fish.

Q. And there was never any complaint about the coffee? A. There could not have been much complaint. Sometimes they would have a little something to say; they always did.

Q. They always have a little something to say, I know; but does that apply to everything—always a little something to say? A. I don't think I ever heard much about the food.

Q. Now, this coffee was burnt coffee? A. Yes, sir; it was burnt.

Q. You have been cook for a good while. Did you ever hear of the fact that when coffee gets damaged by salt water, they take it and burn it and sell it? A. I have heard of such things, but I don't think there was anything of that kind.

Q. Why not; could you tell? A. It smells good, and tastes good, in the raw state.

Q. You never take it raw? A. We taste of it before it is cooked.

Q. You mean in a burnt state? A. Yes, sir.

Q. The raw, burnt state. Well, now, how much coffee would be bought at a time there? A. I could not tell you.

Q. A good many hundred pounds? A. A number of hundred pounds; but I don't go to the store-house; I don't know, and I don't ask those questions.

Q. Who brings it to you? A. It is brought from the store to me.

Q. By whom? A. Well, Col. Tripp weighs it out now.

Q. Who? A. Col. Tripp weighs it now.

Q. I understand what Col. Tripp does now. He is a new man we have got there. Until Col. Tripp got there, was it ever weighed to you? A. Weighed to what, sir?

Q. Ever weighed to you? A. Yes, sir; that is what they said; it was always weighed.

Q. Did you ever see it weighed? A. No, sir; I was not there when it was weighed.

Q. Who did the weighing? A. It was Joe Howard,—the man they call French Joe; he did the business.

Q. He had charge of the weighing; and if it was weighed, he weighed it? A. Yes, sir.

Q. And we are to depend upon his honesty to know whether you got all you ought to have? A. Yes, sir.

Q. You never weighed after him? A. Well, I have.

Q. What for, if you thought him honest? A. Well, I thought, for the sport of it, I would just do it, and see if it was

just what he said it was. I always found it was about correct, what he said.

Q. How many times did you weigh it, for the sport of it?
A. Five or six times.

Q. Five or six times you weighed it, for the sport of it. How was it about the tea; did you weigh that? Q. I have, sometimes.

Q. Now, we have got sixteen pounds of coffee to how many gallons of water? A. About one hundred and twenty. After I put the milk in, it makes one hundred and twenty. I guess it is one hundred and seventeen or one hundred and eighteen gallons of water.

Q. One hundred and twenty gallons of liquid; about sixty pounds to the gallon, we have got 7,200 pounds of water to sixteen pounds of coffee. It would be a little thin, wouldn't it? Just a trifle thin? A. Thirty quarts of milk.

Q. I know; we put that in,—milk and water? A. And sugar.

Q. That wouldn't thicken the coffee much? A. No, sir; we don't usually have coffee very thick.

Q. What? A. We don't generally have coffee very thick.

Q. There would not be a great body of coffee, would there?
A. Sixteen pounds of coffee a day.

Q. Now, let us take the tea. How many gallons of tea did you make? A. Well, about the same.

Q. That is, about 120 gallons of tea,—I would say, 120 gallons of water. Did you put milk into the tea? A. Yes, sir.

Q. Then, we have seven pounds of tea to that? A. Yes, sir.

Q. Then, we have a pound of tea to 1,000 pounds of water. It would not make the tea very strong? It didn't usually keep them awake over night, did it?

The CHAIRMAN. Dr. Tucker said it was not very strong.

Mr. BROWN. The coffee would be an ounce and a fraction to every quart of water.

Gov. BUTLER. Well, I will have people here about that. I have gone into this thing before.

Q. You made more of this in the winter? A. Yes, sir; we had more tea and more coffee.

Q. What wages do you get, sir? A. Thirty-five dollars, and found.

Q. Your wife is not there? A. No, sir; I am not married.

Q. Won't you tell me whether Mr. Crocker, the engineer, has been there all the time you have been there? A. Not all the time, because he was not there back in 1860.

Q. He has been there ever since you came back there the two last times? A. I think he has.

Q. Fifteen or twenty years. And his wife has been there? A. She is not there now.

Q. But until lately? A. Yes, sir.

Q. He is still there? A. Yes, sir.

Q. And you are still there? A. Yes, sir.

Gov. BUTLER. Now, I would not, when you bring that water with the coffee in it, in that proportion, to-morrow, don't make it any stronger, because a little analysis will tell me, you know; for the State assayer is handy. Now, look out for that tea and coffee. Seven pounds of tea to 120 gallons of water, and sixteen pounds of coffee to 120 gallons of water.

The WITNESS. We make coffee in the morning and tea at night. If I come down to-morrow morning, how will I bring it?

Mr. BROWN. Take to-night's tea.

Gov. BUTLER. Then to-morrow morning you can fix the coffee. Can't you cipher out that problem.

Q. (By Mr. BROWN.) A single question. You spoke of Mr. Tripp's weighing out this coffee to you. Is he the gentleman who has been put in charge by the board of state charities? A. Yes, sir; I suppose he is.

Q. Under the new management? A. Yes, sir.

Q. He had a little bit of a fracas last week with one of the inmates, didn't he? Tell us about that. What was it? A. I am sure I don't know.

Q. You haven't heard about it? A. Yes, but I was not there.

Mr. BROWN. Well, then, the governor would object to it.

Q. (By Gov. BUTLER.) You heard about that fracas, but you never heard about any other? A. No, sir.

TESTIMONY OF CHARLES M. HANSON (*sworn*).*Direct examination by Mr. Brown.*

Q. [Producing a book.] Look at that volume and tell me if that is part of the record —? A. Of our office?

Q. Yes, sir. A. Yes, sir.

Q. And that is Mr. Tripp's handwriting? A. Yes, sir.

Cross-examination by Gov. Butler.

Q. Do you know anything about how that record is made up? A. Yes, sir.

Q. You do not? A. Yes, sir; I know how that is made up.

Q. Were you present when it was made up? A. No, sir; but I can tell you his system of making up that record.

Q. Suppose a father or mother should bring you a child, a young woman, would you take their statement of what her condition was, who she was, and how she was? A. The father's statement?

Q. Yes, sir. A. Yes, sir.

Q. Or the mother's? A. I should say if the father and mother both came —

Q. Take either one of them? A. We should take the parents' statement.

Q. What? A. We should take the parents' statement.

Q. And therefore this statement may be the statement of the father, or the mother, or the person? A. No, sir.

Q. Why not? A. Because that record, as I understand it, was made at the State almshouse, and the father or mother could not have been present at that time.

Q. How do you know? A. As a natural inference they were not there.

Q. Why so? A. These are the histories of inmates. It might possibly have been so.

Q. This statement you say was made at the State almshouse? A. Yes, sir.

Q. When is that taken? A. The clerk usually goes up every week, every Monday, and takes the history of those inmates that have come in there the week previous. It varies. Sometimes we don't go on Monday, but sometimes go on Tuesday or Wednesday.

Q. And it is the duty of somebody to take this statement? A. Yes, sir.

Q. And he makes it up from what he can find out? A. Usually from the individual himself, or herself. Then he would verify that by any information he could obtain.

Mr. BROWN. Now, I desire to read this record.

Gov. BUTLER. And I desire to object to that manner.

Mr. BROWN. What is the objection?

Gov. BUTLER. My objection is this: Here is a statement not under oath, purporting to be a statement made of the history of a life; not made in the language of the witness at all, but at most a recorded conversation. It is not evidence. It is like this: "Born Feb. 9, 1859, Quincy, Mass.; when twelve years of age was adopted by William V. Bowen, of Portland, Maine. She, at that time, was living with uncle at Auburn, Maine." Now, that is the history of past events, in the third person; don't purport to be a statement from her lips. It is not, I was born so and so, so and so, and so and so; and it is not evidence to contradict a witness in any way or form. There is no statute which requires this to be taken. It imparts no verity, whatever; we have not the fact whether it was not taken from a third person. It certainly is the statement of a third person, whether it is taken from a third person or not. We know not from whom or under what circumstances it was taken. Where a record is required to be made by a clerk of a court, or a town clerk, then it purports to be something. But suppose this statement had been, that this was a stenographer's notes of what was sworn to in court, it would not be taken in evidence, admitted in evidence, without producing the stenographer and letting him swear to what he knows, and that these things were said, by reference to his notes. This was not taken in shorthand. It was taken in long-hand — that is, apparently. For all these reasons I submit it is not evidence upon which anybody's character shall be impeached. A part of it, indeed, is found to be exactly contrary to testimony that has been put in here by others than Mary Eva Bowen.

Mr. BROWN. This volume is one of the volumes about which we have heard there was so much trouble in getting; demanded of us; and His Excellency has taken occasion.

Gov. BUTLER. Oh, no, no, no.

Mr. BROWN. I beg your pardon. It is kept at the institution. Is Mr. Hanson gone?

Gov. BUTLER. That is not kept in the institution.

Mr. BROWN. This is one of the volumes which has been pro-

duced here, and His Excellency in three instances has read the record of three individuals upon statement made by him, and I had been satisfied with the fact that the record was kept by Mr. Tripp, an officer of the board of state charities, whose duty it was to go to Tewksbury and interview every inmate whose history he had not previously taken, and then take their history. And upon this being shown to this committee, on three different instances, this committee has allowed His Excellency to read this record; not the record of this identical person, but the record kept in one of these books, kept substantially as this is. Now, I simply asked last week to read another record, and I was met with the objection that I should not read it because they don't know anything about who kept it, or in whose handwriting it is. Now, to satisfy the committee, I have produced a witness who says it is in Mr. Tripp's handwriting. I put it upon the same ground on which I put the books of the Chardon Street Home. We know how this record was taken, by whom it was taken, and by whom it was kept; because it was the duty of a public officer to take it. The book is in evidence and has been in evidence for a long time. His Excellency has read from three different records here from this book, or others. I don't now recollect. But the character of this record is established fully. It was a record that was taken back in 1875, on the 28th day of July, the fourth day after this woman was admitted to this institution, she having been admitted on the 24th day of July.

The CHAIRMAN. Been kept there since — that book.

Mr. BROWN. I understand so. Either there, or if not there, then down in the office of the state board of charities down-stairs.

Gov. BUTLER. The difficulty is that you started off by saying that is a book produced here by the Tewksbury people. I understand — and I will have it by Mr. Hanson if he comes back — that these books are not kept there.

Mr. BROWN. Suppose it was not. Suppose it is kept down-stairs here in the office of the board of state charities. What of it? This committee have allowed what was in this copy kept by the same man. Now, if it is material, I am perfectly willing to answer where that record is kept.

Gov. BUTLER. I will ask him in a moment.

TESTIMONY OF CHARLES M. HANSON (*recalled*).

Q. (By Gov. BUTLER.) Is this book a part of your record, or of the records of Tewksbury? A. Our record.

Mr. BROWN. Very well: I submit, for a stronger reason, that it ought to be in.

Gov. BUTLER. Wait a moment.

Q. This is a copy? A. This is the original book; these are copied into these books [producing another book] and as a matter of convenience we send these [the originals] up to Tewksbury to be stored there.

Q. For mere storage? A. That is all. Sometimes it is handy for them to refer to for the address of a friend. It is paid for out of our appropriation.

Q. That is a transcript of the original record? Have you a transcript of this particular record? A. Yes, sir.

Q. Look and see? A. I don't know as it is in that book.

Mr. BROWN. It is No. 46448. Slip down and get it.

Gov. BUTLER. Why, it is the same thing, only a little farther removed.

Mr. BROWN. Now, Mr. Chairman, I offer this record. It is the record of Eva Bowen at the institution at Tewksbury and of her child.

The CHAIRMAN. You offer it, I suppose, to show the condition of her health, or something of that kind.

Mr. BROWN. I offer it for the purpose of contradicting her in regard to her statement as to her condition when she went there, the condition of her child, and the circumstances of her life as she told them here on the witness stand.

Gov. BUTLER. You have it now fully, and the question is that this is not a record kept by law; no record at all, but a memorandum, at most, of a conversation had with a man who is alive; and this is his memorandum of it. And it purports to be a narration of past events, and it is. It is put in to contradict sworn testimony. Now, if the chairman knows of a case ever in this world where a memorandum of a conversation — because that is all this is — was allowed, upon proving the handwriting of one of the persons supposed to have had it, to be put in to contradict a witness, to show that she is not telling the truth, I should like to be cited to that case. It is not a record of the condition of her child, nor of her condition. It is not a physician's record. That might be evidence, made at the

time in the course of his duty. But this purports to be a record of what she said her condition was. Now I think the resident physician ought to have examined her, and there ought to be a book there somewhere showing her condition. That would be evidence. But this is a statement going back, as I read a portion of it, to her birth, to things she could not have known about very well, because, although she was there, she didn't understand much about what was going on. And that is offered here to contradict her. I submit it is not evidence.

The CHAIRMAN. I don't think it is.

Mr. BROWN. Why, Mr. Chairman, I will put it on another ground. I will read it as a record, in precisely the same manner in which the record was read last Friday about that piece of skin. The committee allowed His Excellency to read what was in this book of the board of state charities. If the committee think that is not evidence, then I ask to read from this which His Excellency read from only last Friday. This is just the same volume, I think.

Gov. BUTLER. Oh no, sir; no, sir.

Mr. BROWN. I beg your pardon.

Gov. BUTLER. If you will think for a moment, that was the record kept of the admission, discharge and death of somebody which we have been reading here, all parties: admitted so and so, born so and so, and died so and so.

Mr. BROWN. Do I understand you to object to that record of Eva Bowen, which is produced here by Mr. Hanson?

Gov. BUTLER. He has sworn it is a copy from the original, and it is only one degree farther removed from it.

Mr. BROWN. It is not a question of whether it is farther removed. If on last Friday the committee allowed His Excellency to read three entries in this book in regard to a piece of skin, why on Monday can't I read from the same book in regard to another person.

Gov. BUTLER. I will tell you.

Mr. BROWN. I shall be interested to hear you.

Gov. BUTLER. You shall see. It is perfectly plain. I read no entry about that piece of skin.

The CHAIRMAN. What is the name of that book, Governor?

Gov. BUTLER. This book is "Tewksbury Record, Vol. —." Mr. Hanson swears that this is a copy of that one. [The original.]

THE CHAIRMAN. This is kept in the office of the board of state charities.

MR. BROWN. And this [the original] at Tewksbury.

GOV. BUTLER. This is kept in the department of in-door poor, and that is kept in the department of in-door poor; both the same, except that one is a sort of field-book and the other is an extended book or record; but it don't remove it at all. Now, I will go, if you please, to what I read, and the difference. The question was, was there a man in the Tewksbury almshouse by the name of Charles J. Eklund, a Swede, and when he was admitted. And that was a matter of record and not of memorandum, and written down in the usual course of business. It was not a recital of past events: it was an actual record of an actual event, written down at the time. And I did read it—not about this piece of skin, but in order to show from the record that there was a man there at that time. Now, the difference is as wide as heaven is from Tewksbury; that here they want to read to you what some witness said to some person and he took a memorandum of, whether that memorandum is correct or not.

MR. BROWN. That is all you read on Friday,—what somebody said about his birth, recorded in that book.

GOV. BUTLER. I read on Friday the fact recorded of his entry and death. That is all I read. I didn't read where he was born, because that I had in another way. I didn't read it for any purpose of contradicting anybody, but for the purpose of showing the fact by the record, precisely like a record of births, which would be competent. The distinction is so wide—Oh, I have ceased to wonder at anything.

MR. BROWN. So have I.

GOV. BUTLER. The difference is as wide as wide can be. Here is a statement supposed to have been made by somebody of the history of their life, that is all. There is no evidence that it was made correctly, or why or how it was made. Now, I could easily understand, and to show you—I don't mean now to state it, but to illustrate—suppose the father wanted for some reason to get rid of her, and to put her on to the State,—although why he, having adopted her legally and being bound for her support, should have been allowed to put her upon the State, I don't know. The testimony is that he paid the board. I don't find any credit to the State on the books for that. But then his statement would be taken. This book don't purport to

be a statement of Eva Bowen, but it purports to be a history, as I have read to you. Now, the father might have given this history, and might be willing, if he was desiring to get rid of this girl under any inspiration whatever — he might make his own statement, and that statement would have been taken. Mr. Hanson don't think he was there, because it is not usual for them to be there. But that don't alter it. This is a mere copy, and then you have got one farther remove. A copy of incompetent evidence cannot be put in. If you could establish that rule it would be very convenient, because all you would have to do would be to get a piece of incompetent evidence and get somebody to copy it and that would make it evidence. It is only one degree worse. That is all I have to say.

Mr. BROWN. Mr. Chairman, His Excellency is the father of this proposition, and the proposition was born only last Friday; or at least it was born then. — we had heard something of it before. Last Friday His Excellency in cross-examining Father Gigault presented that piece of skin, and he told this committee that he was going to show that that man, whose name was on that piece of skin with the registry of his birth, was in the asylum at Tewksbury, and died there, and went from there to Harvard College. That was his proposition. He took one of these volumes and he undertook to read from it. I objected. I asked to be permitted to inspect it. And I saw written across the margin here that the man had been transferred to Bridgewater. And thereupon His Excellency complained, because he said I was trying to make him prove two or three things at a time; if I would only let him do one thing at a time he would show by these records that this man came from Tewksbury.

The CHAIRMAN. He was tracing his whereabouts.

Mr. BROWN. He was tracing his whereabouts. This record showed that he went to the Bridgewater workhouse. Then he produced the next volume, which showed when he went in, and so on, and I think the third, where he brought up at Tewksbury, and there died on the third of August, 1879. That was in regard to Charles J. Eklund. And it is entirely immaterial what the purpose was. The question is the fact. He was after the fact that Charles J. Eklund had been in Tewksbury and died there. And he took these very books which he says are copies. I objected.

Gov. BUTLER. Never.

MR. BROWN. I beg your pardon. His Excellency put it on the ground that these books had been used and admitted, and I recollected that they had, and I didn't object any further. The committee didn't vote on it.

GOV. BUTLER. Let me correct you, if you will. On the contrary I then sent for the registers and got the registers up here.

MR. BROWN. You then sent for the registers of the Tewksbury almshouse.

GOV. BUTLER. Certainly; because you objected.

MR. BROWN. Not because that evidence was excluded, but because His Excellency thought he would find the record in the register also. And finding it there—and he did find a record, and when it was turned over to me I pointed out the difference. Now where are we? Let us see. Three times—and His Excellency don't deny it—His Excellency has read from these volumes records of inmates kept by Mr. Tripp; and the only question that has ever been asked was: by whom was this record kept? And I think on one or two instances—one instance that I well recollect—Mr. Hanson was in the room and I called Mr. Hanson's attention to the handwriting, and satisfied myself it was the handwriting of Mr. Tripp and made no further objection. And that was when His Excellency proposed to introduce one of these records. Now, I have another record which I want to read, kept by Mr. Tripp, upon this evidence. His Excellency is troubled in regard to the purpose for which I offer it. He need not trouble himself at all. All I am after is the fact that is contained in that record. That is all. We are charged here, the trustees and the superintendent of the Tewksbury almshouse are charged here with having stained the character of Eva Bowen by putting upon our registry the entry that she had the syphilis. That is what we are charged with. And we have had it flung out to us three or four times this morning that the register is of no account; that we never pretend to tell the truth. Mr. Charles Marsh went on the witness stand and told you how he made the entry which was put on the Tewksbury register in regard to Eva Bowen; that he got it from papers which were sent to him from the board of state charities. So that this is competent in three or four ways. And I submit that if His Excellency—although he has used this book on three instances on Friday last—if he objects to that because it is a copy, why, then I will give the original entry which was also kept at Tewksbury. And this is one of

the volumes which we have produced under his call. Mr. Hanson has just stated that it was kept at Tewksbury. It is in our possession. We have produced it under his call. Now, it is entirely immaterial to me which horn of the dilemma His Excellency takes — this book from which he read on Friday, or this book from which he read when he was putting in his case; but in one form or the other it seems to me it is perfectly competent. The precedents have been established here by the committee at the suggestion of His Excellency the Governor. Now, I would like to ask Mr. Hanson if he has examined this record about this Eva Bowen.

The WITNESS. Yes, sir; I have.

Q. You find it to be the ordinary record, such as is usually taken up there, do you? A. Yes, sir.

Q. What is the purpose of taking this record; in order that you may ascertain their definite and legal settlement? A. It is; yes, sir. That is one of the reasons.

Q. Is that the main reason? A. That is the main reason.

Q. And in getting at the history you generally — A. We take this history and condition from the persons themselves.

Q. And on that history the question of settlement is settled? A. An examination is made; yes, sir.

Q. And when any question arises between the Commonwealth and a city or town you use that as evidence? A. In this case the history was taken and an examination made, and it was found that the girl had a settlement in Chelsea through her adopted father; papers of legal adoption had been taken out. For some reason or other, I don't remember the circumstances, the father paid the board of the party into our office, which was paid after the examination was made. Our custom was to send the bill to the city or town where the party had a settlement; but in this case the bill was given to the father, and he paid it, and the money was turned over to the State treasury. I don't remember just the circumstances.

Q. (By Gov. BUTLER.) These are used in evidence in settling questions of settlement. Now, do you remember any case where there has been an action between the State and any city or town, in which such a book as that has been used as evidence? A. I don't think these records have been; I think the report of the examining officer has been used.

Q. That is, the report of the party who makes the examina-

tion by this record? A. I don't remember that these books were ever introduced; I never heard that they were.

Mr. PUTNEY. It seems to me that it would be proper for Mr. Tripp to be here.

Gov. BUTLER. That is all I have been contending for; for I want to ask Mr. Tripp who told that story, if he remembers. Because it is taken down in the third person. If I was taking it down I should take it down: Eva Bowen says so and so. If I was taking it for a third person I should say: she was born so and so, lived so and so, and died so and so.

The CHAIRMAN. I don't think this is admissible, Mr. Brown, for the purpose for which you offer it.

Mr. GILMORE. It seems to me that the proper way is to have Mr. Tripp summoned, and he can refresh his memory by the record.

Gov. BUTLER. Just as easy to bring Mr. Tripp here as it is to bring a bottle of coffee.

The CHAIRMAN. The committee isn't very full, and perhaps we had better adjourn pending this question. I don't think the evidence is admissible.

Mr. BROWN. I should not have thought of offering it if it hadn't been four times ruled in by this committee on previous occasions.

The CHAIRMAN. But for another purpose.

Gov. BUTLER. For another purpose.

Mr. BROWN. It must have been for another purpose; it could not have been for the same purpose.

The CHAIRMAN. Half-past nine to-morrow morning.

FORTY-SIXTH HEARING.

TUESDAY, June 12.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

TESTIMONY OF WILLARD D. TRIPP (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. Willard D. Tripp.

Q. You have been an agent of the board of state charities how long? A. Since the first day of October, 1867.

Q. Either of the old board or of the new? A. Yes, sir.

Gov. BUTLER. Agent.

The WITNESS. I have been employed by the old board of state charities and the new board continuously since the first of October, 1867.

Q. You are at present in charge of the almshouse? A. Not strictly speaking. Mr. Fallon is at present in charge. I act under his direction.

Q. Were you in the habit at any time of going to Tewksbury and taking the record of the inmates there? A. I was.

Q. Will you look at that book [produced] and see if that record is in your handwriting? A. Yes, sir; it is.

Q. Did you personally take that record? A. I personally wrote it; I obtained this information in a conversation with this person on that day —

Q. What person? A. Eva Bowen.

Gov. BUTLER. And you were about to say something?

The WITNESS. I was going to say that I took this as the result of a conversation on the 28th of July, 1875. This was the substance of what was said at that interview.

Mr. BROWN. Now, Mr. Chairman —

Gov. BUTLER. One moment.

Mr. BROWN. [Passing the book to the governor.] Excuse me, I thought you had seen it.

Gov. BUTLER. I want to examine the witness.

Mr. BROWN. Wouldn't it be well to let him read it?

Gov. BUTLER. Oh no; because I want to see it.

Cross-examination by Gov. Butler.

Q. Was anybody else there? A. I could not say that there was anybody else present; I however think there was. My recollection is that there was because it was taken at a place,— the conversation was held in a place where she could not possibly have been alone; she was in the nursery where there were several women and children. Sometimes when there were only one or two who were able to go out, they did go out; sometimes when they were sick they were not disturbed. I cannot positively say that anybody was present at that time or not.

Q. Can you say — was this in answer to questions put by you, or was it a voluntary statement? A. It was in answer to interrogatories.

Q. Do you remember whether you examined any records upon this matter? A. I will state to you what my practice was. I could not say definitely about this particular case. I should say that I had before me the permit upon which the person was admitted, giving the name, the age, and other particulars in regard to what her condition was, and I usually looked at that permit and verified it by what the person said.

Q. In what shape would the permit be? A. It would be in the shape of a paper sent by the city or town from which the inmate came, giving the name, date, and all matters of that sort.

Q. But this woman came from no city or town. A. She was admitted on a permit from the city of Boston.

Q. On a permit from the city of Boston? A. Yes, sir.

Q. How was that? She was a resident of Chelsea, if she was a resident of anywhere. A. I cannot answer that question. I simply know that she appeared there on a permit from the city of Boston.

Q. What is done with those permits? A. Those permits, I think, are filed in the institution.

Q. In the institution? A. In the institution at Tewksbury; I think they are all on file there. I know I have seen quite a number on file, and I suppose that every permit that has been received has been filed.

Q. Have you seen that permit recently? A. I have not. I don't know that I have seen it since the 28th day of July, 1875.

Q. Then you looked at the permit to see what the settlement was? A. That is the rule; that is the practice.

Q. No reason why you should not have done it? A. No, sir; I think not.

Q. I still don't understand this. The testimony is that this girl was residing with her father in the city of Chelsea. The testimony is — and fortunately here is no dispute — that she was taken from Dedham directly up to Tewksbury. The city of Boston hadn't anything to do with Dedham. And she had — the testimony also is that she had a settlement in the city of Chelsea; and this statement of yours tends to show that? A. Yes, sir.

Q. Now, can you tell me, Mr. Tripp, how it was that she went there under a permit from the city of Boston; what arrangement the board of state charities have with the city of Boston which leads them to permit people that don't live in their city and have no settlement in their city, don't even stay in their city, never resided in their city — how do they permit them to go into the Tewksbury almshouse? I would like to know that. A. As far as I know the board of state charities had nothing to do with the admission of this case.

Q. Then you don't know of any rule of the board of state charities that allows it? A. I know that it often happens that persons come to Tewksbury for whom settlements are found; very frequently it so happens.

Q. I agree to all that; but that is not the point. The point is, that while a state pauper, having no settlement in a town and being found in a town, might be well enough and properly enough sent by that town up to Tewksbury — my proposition is to find out how it is that a woman, that a girl that was not found in the town of Boston, who has a father living in Chelsea, who lives in Chelsea herself, and who at the time she starts for Tewksbury starts from Dedham; I want to know whether it is common to have such a case? A. No, sir; I should think not.

Q. You never heard of such a case as that? A. I have known a class of persons who belong in other towns around Boston who come here for various purposes, and sometimes try to get into the hospital for treatment, and when they find they cannot they apply to the city of Boston and are sent up there.

Q. But the difficulty with this case, which you apparently don't appreciate, is that this woman was already in a hospital

and was all right and had nothing to do with the city of Boston and the city of Boston hadn't anything to do with her. Now, how was this done? A. I cannot answer the question; I was at Tewksbury.

Q. You were at Tewksbury? A. I didn't see her until four days after. I might or might not have been on that day.

Q. But four days afterwards you took this. Now, can you tell me from recollection how much of this report was on the permit and how much was what she said? A. I could not.

Q. Now, then, if this permit was a wrong and a fraudulent one, if the person who got this fraudulent permit chose to put any story in that permit to go out, you would find that story reproduced here? A. I only wrote what was on the permit as to age, birth-place and her condition when she was admitted to the institution.

Q. Yes; and the condition is all there is in this thing that we care a copper about, or that I care a copper about; and that condition is the thing which is in dispute here. Now, whether this condition was taken from this girl's lips, or taken from the permit, you have already said to me you cannot tell. Now, then, do you say that this girl, simply in answer to a question, answered in this way: that she returned to her home on October first, ran away from her home October 29, and went to a house of ill-fame, 20 Lyman Street, and she, while there, followed the practices of the house, — what was there in getting her condition that required that to be said to you? Such a voluntary statement of a girl as that? A. I remember of asking those questions in consequence of what was believed to be her condition.

Q. Then you had learned her condition? A. If it was in the permit.

Q. Then you say that this girl went on and said: "Was at this house some two weeks, when she wrote to her father, and he took her away and sent her to Oak Place Temporary Home, where he paid her board until April 27, 1875; then to Dedham Home, and from there sent here; syphilis." Syphilis repeated. She was so anxious to make you know that she had the syphilis that she repeated it? A. Probably that last was put down as coming from the permit, — the last word there.

Q. Precisely. You have got it down here in full words, — you have got it down here in the same words, and then repeated it once more. Now, can you tell me upon your knowledge any

particular word about her condition, that you knew from appearances or knowledge, not that you took from her lips? A. I could not, upon my oath, swear that she used the term syphilis. I could not swear that she used that term.

Q. Why, then, did you put it into her mouth? A. She told me her condition was such that she led me to believe that was her trouble.

Q. Why didn't you state her condition as she stated it,—instead of putting your judgment down from her lips, what it was? Because she might have been mistaken: she was a young girl of fifteen or sixteen? A. Yes, sir.

Q. Very well. Now, from your memory, what did you see about her, if anything, that showed that she had the syphilis? A. Not anything.

Q. Then, without anything appearing that she had the syphilis, and without anything—give me the words of her description of herself that led you to put down the word syphilis? A. She told me that she was diseased.

Q. Did she use that word? A. That was the word that was commonly used—

Q. I don't ask for the word that was commonly used. A. I cannot remember what particular word she used, but from my experience—

Q. Leave out your experience. A. All right.

Q. Leave out your experience. I trust you haven't had a great deal of experience with fifteen-year-old girls? A. I didn't catch your remark.

Q. I say I trust you haven't had a great deal of experience with fifteen-year-old girls? A. Well, not a large number.

Q. You are in charge of Tewksbury. They have not produced that permit. Will you do me the favor to make search for it when you go home? A. I will, sir.

Q. Will you either bring it down or send it down? A. Yes, sir.

Gov. BUTLER. [To Mr. Brown.] I have no objection to your reading it now, although you put it in the "Herald," or some rascal did, before it was put in in testimony.

Mr. BROWN. I didn't hear the whole of your remark.

Gov. BUTLER. I say I have no objection to your reading it now, although you put it there, or some rascal put it in the "Herald," yesterday, before it was put in testimony.

Mr. BROWN. I was looking to see where you put your demonstrative adjective.

Gov. BUTLER. I used no adjective; I used a good honest noun.

Mr. BROWN. [Reading.]

“ No. 46448 and 46449; age 16; name Eva Bowen; 46449, Freddie Bowen, 3-12, born in Boston; from Boston July 24, 1875; condition, syphilis; examined July 28, 1875.”

Mr. Tripp, won't you read that just as it should be read, following out your abbreviations?

The WITNESS. [Reading.]

“ Born February 9, 1859, Quincy Mass.; when at 2½ years of age was adopted by William V. Bowen of Portland, Maine; she at that time was living with uncle in Auburn, Me.; she has since resided with her adopted parents; the Bowen family moved from Portland to Addison, Me.; there one year, then to Newton Centre, Mass.; there about five years, and back to Addison a few months, and then came to Chelsea spring of 1868, and have lived there since; William V. Bowen bought a house and land in Chelsea, No. 70 Middlesex Street, fall of 1867, and has occupied and paid taxes on the property since, and lives there now; her own father's name was Goddard; she knows nothing of his history; don't know the name of her mother; her name originally was Eva May Goddard, and Mr. Bowen had it changed to May Eva Bowen; adopted mother Miriam P. with husband; has two adopted sisters and one brother; father of child Martin Hearn of South Boston, by whom she was seduced spring of 1874, in Chelsea, or rather at the Artists' Studio on Hanover Street, where Hearn went to paint and she to see the pictures; this intimacy continued all winter while she was attending school in Massachusetts Normal Art School and the Lowell Institute, where she was studying to be an artist, both landscape and portrait; last summer was with adopted mother in New Hampshire, Eva being sick on account of pregnancy; she returned to her home October 1, and ran away from home October 29, and went to house of ill-fame, 20 Lyman Street, and while there followed the practices of the house and contracted syphilis; was at this house some two weeks, when she wrote to her father and he took her away and sent her to Oak Place Temporary Home, where he paid her board until April 27, 1875; then to Dedham Home, and from there sent here; syphilis.”

Mr. BROWN. Now, Mr. Tripp, was there anything in the permit which said —

Gov. BUTLER. I think we ought to have the permit.

MR. BROWN. I don't know why you should require it of me. You went into it.

GOV. BUTLER. What?

MR. BROWN. You went into it without having it.

GOV. BUTLER. Pardon me. I asked him if he took certain entries from the permit.

MR. BROWN. That is just what I am going to ask.

GOV. BUTLER. Then, finding the permit was in existence, I asked him to bring the permit.

Q. (By MR. BROWN.) Was there anything in the permit which said that last summer she went with her adopted mother to New Hampshire, being sick on account of pregnancy? A. No, sir.

Q. Was there anything that said she returned to her home about the first of October, and ran away from home, October 29, to a house of ill-fame, 20 Lyman Street, and while there followed the practices of the house and contracted the syphilis, — anything in the permit of that kind? A. I should say not, unless it was the fact of her condition.

Q. Was there anything in the permit that said that the father of the child was Martin Hearn? A. No, sir.

Q. Do you recollect any president of the United States whose name was Hearn? A. I do not.

MR. BROWN. Your witness, Governor.

Cross-examination by Gov. Butler.

Q. Did you look up this case? A. No, sir.

Q. Did you ever find such a man as Martin Hearn? A. I don't think we ever did. I have no knowledge it was ever looked up.

Q. But Mr. Hanson says the board of state charities looked it up to find a settlement. A. That was not my duty. I could not answer.

Q. Whose duty was that? A. I think at that time Mr. Merritt Nash was the officer whose duty it was to do that.

Q. Where is he? A. If Mr. Nash was the officer at that time — I am not quite clear — he is now settlement clerk of the city of Boston, at No. 30 Pemberton Square. I think, if that was looked up, there would be an order on file in the office. It was the custom to issue an order to the settlement clerk, and he returned his report, and this order was filed in the office.

Q. Won't you do me the favor to go down and ask for that

after you leave the stand, and send it up? A. If it has been looked up.

Q. Mr. Hanson testified that it had been, and that the father paid the board. Now, this says that she was from Boston, July 24. Is that in your handwriting? A. All the writing on that page is in my handwriting.

Q. Then you put down that she was from Boston, and you took her statement that she came from Dedham? A. Yes, sir.

Q. And that statement, you find, is true, and the statement that she came from Boston is not true? A. If you will permit me, I will explain how these blanks are filled out. My practice was to take the register right down with the names, seriatim, and copy them on to these leaves, — all the names that appeared upon the register, where they came from and the date they were admitted, and then I went to the institution and saw the people.

Q. Well, the first word you speak of her is syphilis, and the last word you speak is syphilis; condition syphilis; had got the syphilis. You rolled that like a sweet morsel under your tongue, apparently. I beg your pardon, I am wrong. The first word was a lie, — that she was from Boston; the second word is syphilis, then syphilis is repeated, and the last word is syphilis. That is this record. And it appears on the face of it that she didn't come from Boston. And yet you say that you saw nothing that induced you to say that she had syphilis. And this was taken from something in Tewksbury, I take it? A. That was taken from the register down to "Examined" — down to there.

Q. Down to there, you took that from the register. Then you got it in twice afterwards. You started out that she had it, and you put it in again, whatever she said, twice over. Now, let us see about this. In the spring of 1874, in Chelsea, — "she was seduced in the spring of 1874 in Chelsea, or rather at the Artists' Studio on Hanover Street," where she went to see the pictures. Very well. Then, being seduced in the spring, and being then six months gone with child, or about that, she went to a house on Lyman Street, and followed the practices there. We have had that. She was in a nice condition to be doing that business, wasn't she, according to your experience? And "following the practices" there, — this young girl, slender girl, with a six months' child in her belly, — she got the syphilis.

And that is the record of the board of state charities? — That is all, sir.

The CHAIRMAN. I desire to say, Governor, that I approve what you say about the impropriety of putting that matter in the paper before it came in testimony before the committee. I think it was very improper.

Mr. BROWN. If the chairman will allow me, I think the same thing in regard to the *fac simile* of the skin, which was not in evidence, published in the “Star” last evening.

The CHAIRMAN. I think where there is an objection offered to evidence it should not be published before the evidence goes in.

Gov. BUTLER. That was in evidence for a certain purpose yesterday, and the day before — last Friday. And while I had nothing to do with that, yet that was in this case. This was a sealed book up to this morning, except it was given by somebody who had it in his possession for safe-keeping, to a reporter.

The CHAIRMAN. Call your next witness, Mr. Brown.

TESTIMONY OF ABRAHAM S. BARNARD (*recalled*).

Re-direct examination by Mr. Brown.

Q. Have you brought that coffee and tea that you were asked to bring? A. Yes, sir.

[Two quart bottles, filled, produced.]

Gov. BUTLER. I shall have the honor to object to any testimony about coffee made last night or this morning.

The CHAIRMAN. I suppose it must be made in the usual way in which coffee is made, the same weight of coffee and water.

Gov. BUTLER. But pardon me, sir. It is the first time in my life, in my experience, since 1840 more or less, that I have ever seen a witness sent to make a preparation, during a trial, like that which he says was made before.

The CHAIRMAN. Let us see what this is.

Gov. BUTLER. Is there any doubt in your mind?

The CHAIRMAN. I don't know about the tea.

Mr. BROWN. Are you afraid this coffee is going to be good?

The CHAIRMAN. If it is part of the tea they had last night at Tewksbury, and that is the usual article —

Gov. BUTLER. Even if it is a part of the tea and part of

the coffee — Now, I don't think they can manufacture evidence anywhere else on earth but here.

The CHAIRMAN. I don't think they can here, unless it is the usual article furnished.

Mr. BROWN. Well, Mr. Chairman, I have known this thing to be done repeatedly in the United States courts.

Gov. BUTLER. It must have been in the United States court.

Mr. BROWN. You and I have had the same experience. I think you have had the same thing.

The CHAIRMAN. Ask the witness what it is.

Q. (By Mr. BROWN.) [Referring to one of the bottles.] What is that, Mr. Barnard? A. It is tea, sir.

Q. Was it part of the tea that was prepared for the inmates at Tewksbury last night? A. Yes, sir.

Q. What quantity of tea and what quantity of water?

Gov. BUTLER. I object.

Mr. BROWN. I don't mean in this, but in the whole preparation.

Gov. BUTLER. I don't care what they did last night. You are not authorized to do what they would do hereafter. You are to show what they were doing at the time we were ordered to investigate. The question was asked yesterday whether Mr. Tripp had had a knock-down. I didn't cross-examine anything about it, you will observe.

The CHAIRMAN. The question has been gone into here as to the food and drink at that institution for the last ten or fifteen years. They must produce here the best evidence they can to show what that has been.

Gov. BUTLER. The best legal evidence; not what the food was last night.

The CHAIRMAN. Precisely. The best legal evidence.

Gov. BUTLER. Not what the fact was last night, sir. I hope it is better.

The CHAIRMAN. Hope it is stronger.

Gov. BUTLER. I should hope so; but it is of no consequence whether it is or not.

The CHAIRMAN. I don't think it is of very much consequence; still, if the committee want to taste of this tea —

Mr. MURPHY. I waive my claim.

The CHAIRMAN. I think it must appear on the oath of the witness that it is the same tea that he has been dealing out since

he has been at the head of the cooking department. If he swears to that I don't know but it is competent.

Gov. BUTLER. If he should swear to that he could not be believed, because he cannot know whether the tea that they have now is the same tea that they had last year.

The CHAIRMAN. He may show his means of knowing that.

Gov. BUTLER. He cannot. That is impossible. You cannot tell yourself whether the tea you are drinking to-day is the same you drank five years ago.

The CHAIRMAN. I am a better judge of other things than I am of tea.

Gov. BUTLER. It may or may not be the tea, but nobody can tell that, especially a man who don't know the quality of beef, so that they put it in the "Herald" that it was all mess beef. There is the difficulty. Evidence can be manufactured to any extent in that way. And this man's place depends upon manufacturing goods.

Mr. RISTEEN. I think what may be there now is not evidence of what they had two or three years ago.

The CHAIRMAN. This man has been there and knows whether there has been any substantial change.

Mr. BROWN. This man has been there off and on for fourteen years, or since 1860, and he tells you what the fixed rule has been, — seven pounds of tea to 112 1-2 gallons of water and 7 1-2 gallons of milk, making 120 gallons; and the same with coffee; that is, 16 pounds of coffee to the same amount of water and milk. Now, I asked him to make, or to take out of what he made for tea last night; that is, to make it according to the same rule which he had always followed, take out a quart and bring it here. And now His Excellency is objecting to the proposition.

Gov. BUTLER. To show what it was some time ago. It tends to show what it was last night.

Mr. BROWN. It don't make any difference; His Excellency has had occasion, within my knowledge, to ask an expert to take letters patent ten years old and make a composition of matter following the prescription in those letters patent.

Gov. BUTLER. Oh, God! Anybody ever doubt that?

Mr. BROWN. Now, that is precisely what I have asked this man to do here; not to take letters patent, but to take and follow a rule which he has followed for fourteen years, about, in making a composition, and let us see what it is. His Excel-

lency flung at me in the early part of this investigation that I never invited anybody to take a drink. I am going to ask him now to take a drink. [Laughter.]

Gov. BUTLER. I knew he would not ask me to take a drink except at the Commonwealth's expense. [Laughter.]

The CHAIRMAN. That is a fair hit. Now, let us come to order.

Gov. BUTLER. He eats and drinks at Tewksbury at the Commonwealth's expense. I do not. Now, then, let us go to the serious part of this matter. Letters patent are taken out in order to instruct men skilled in the art to follow that art. Figures and models are made to show whether they can be working models long afterwards. If they are upon chemical or upon other compositions they are made in that way. But that is not this case at all. The letters patent tell you to take so many ounces of so and so ; so many ounces of so and so and make a concoction, or composition. This is only what — unless this is a patented drink and is made according to a patent, and then I agree. If we were trying the ability of a patent I believe it possibly might be evidence. But what are we trying to find out? we are trying to find out what has been the tea in this institution years before. And, in order to prove that, they show what was made last night for the inmates. For years and years it never has been weighed. Last night it might or might not have been weighed.

Mr. BROWN. Let us find out.

Gov. BUTLER. Whether it was or not, don't alter it, because you cannot compare a certain thing with an uncertain thing. The evidence is wholly illusory, and is simply brought in here in order that what was a very elaborate and well-considered joke might be put upon me, by asking me to drink some of it,—that is all the value there is to this. Now, will the committee be any wiser unless they have this analyzed? Can you tell by the taste? Are you going to set up yourselves as a tasting committee, as experts in taste of pauper tea and coffee, because it can be of no advantage without that. I don't propose to go into that business myself, and I don't propose that the committee shall make such an exhibition of themselves, if I can help it ; if I cannot, I must bow ; and I have ended what I desire to say on my objection to this evidence.

The CHAIRMAN. I will submit the question to the committee.

Mr. CHAMBERLAIN. I see by the order that the Committee on

Public Charitable Institutions are to investigate the management, control, and present condition of the several public charitable institutions.

Gov. BUTLER. That was the 30th of March.

Mr. CHAMBERLAIN. And the witness, if I understand it, knows the general character of this coffee and tea which has been used, not only for the last month, but for years. And he has here testified that this is of that general character. Now, for one, I would like to know whether this is about the same thing that has been used in Tewksbury for the last few years; and I hope the testimony will be admitted.

The CHAIRMAN. I think the examination of the witness had better proceed a little farther, so we may see what it is.

Q. (By the CHAIRMAN.) How long have you made tea there, Mr. Witness? A. Well, sir, I have made coffee and tea ever since I have been there.

Q. Fourteen years? A. Fourteen years. I have been there fourteen years.

Q. Was this tea and coffee made of substantially the same kind of tea and coffee that you have been using? A. This is made just about the same as we have made it for four or five years past.

Q. The quality of the tea and coffee were about the same? A. Yes, sir; the coffee and tea were about the same.

Q. Now, as to the quantity of water. Is the quantity of water and the quantity of tea the same in this compound you have brought here, proportionately, that it has been in the tea that you have been making? A. Yes, sir.

Q. And the same thing with the coffee? A. Yes, sir; just the same that I have been making right along.

Q. (By Mr. RISTEEN.) I would like to ask the witness whether he is able to say that the quality of the tea used there now is the same as that used four or five years ago? Whether he is expert enough to say whether the quality is the same? A. I could not tell about the quality of the tea.

Q. (By Mr. MURPHY.) Neither can you tell about the coffee? A. Neither about the coffee.

Q. A different management now has the purchase of supplies than had it a year ago, do they not? A. Well, I think it is just about the same now it was a year ago.

Q. A different management purchased the supplies from that which did it a year ago? A. Yes, sir; that is different.

Q. (By Mr. BROWN.) Well, Mr. Barnard, is there any substantial difference between the quality of this tea, which was used last night, and that which was used a year ago? A. No, sir; I don't know that there is a mite of difference.

Q. (By Gov. BUTLER.) And you don't know that there is not? A. Well, sir, I could not tell. The tea looks to me about the same.

Q. (By Mr. BROWN.) You have tasted it, and you find it just about the same? A. Yes, sir.

Q. You find by the color, when you put the milk in, that it looks to be about the same strength? A. Yes, sir.

Q. Both tea and coffee? A. Yes, sir.

Q. The appearance of the tea is substantially the same before it is put into the water? A. Yes, sir.

Q. It smells about the same? A. Yes, sir.

Q. Both tea and coffee? A. Yes, sir.

Q. (By Gov. BUTLER.) Did you smell the tea before you put it in last night? A. I oftentimes do.

Q. I ask you did you smell the tea when you put it in last night? A. I was not there to put it in last night.

Q. Did you smell of the coffee this morning? A. When I left here yesterday afternoon to go home I got home just as they had made the tea, and got into the house as my assistant had finished it.

Q. Then you didn't make this tea yourself? A. Well, I didn't make it, but I asked them, my assistants, about it.

Q. (By Mr. BROWN.) Then you didn't do as you were told? A. I was not there.

The CHAIRMAN. I think the tea ought to be left out.

Mr. BROWN. Then leave the tea out.

The WITNESS. I made the coffee myself this morning.

Q. (By Mr. BROWN.) How did you make that? A. Well, I made it just the same as I always do — the same amount of coffee, the same of milk, and the same of sugar. I didn't get home soon enough to make that tea.

Mr. BROWN. Never mind about that. [To the committee.] Now, Mr. Chairman, I submit in regard to the coffee —

The CHAIRMAN. The question is whether the committee will —

Mr. MURPHY. I object to the admission of it, on the principle that I don't think that the actions of the men in charge of the institution at present are under investigation by this com-

mittee. The words "present management" in the order refer to the time when the order was drawn, and that present management is not this one.

The CHAIRMAN. I think, unless he can swear that the coffee is substantially the same they have been using for two, three, or four years, it would not be competent; and, if it is, the testimony would not be of much weight.

Mr. MURPHY. As far as I understand he cannot swear to the quality of the coffee.

The CHAIRMAN. Then I don't think it is admissible.

Mr. RISTEEN. I think the witness taking roasted coffee cannot tell whether it is of the same quality as that which he used three or four years ago. He might tell if it were green, but he cannot tell when it is roasted.

Mr. BROWN. [Addressing the committee.] —

Gov. BUTLER. Pardon me; I don't think we are to have an argument on this.

Mr. BROWN. I don't know that I am obliged to sit down because you tell me to. I want to make a suggestion to the committee.

Gov. BUTLER. I have no doubt, then, I shall have to reply to it.

Mr. BROWN. I don't object to your replying; you have *carte blanche* to reply to me any time.

Gov. BUTLER. I understand that; I have heard that twenty times. But I have an order of debate settled here, as far as I am concerned, and I want it stuck to by the counsel who appears here for the Tewksbury almshouse, or anybody else, and that he shall stop when he gets through.

Mr. BROWN. That I usually do; but I have not got through yet.

Gov. BUTLER. He thinks he is one of the committee.

Mr. BROWN. Nobody would make a mistake in regard to you in that way.

Mr. MURPHY. The committee are discussing this matter among themselves. I object to his interfering.

Mr. BROWN. The gentleman from Suffolk —

Gov. BUTLER. I insist upon my right not to be closed upon here.

The CHAIRMAN. I will submit it to the committee whether Mr. Brown may make a suggestion.

Gov. BUTLER. Nothing like having a sturdy friend.

The CHAIRMAN. One in the affirmative, and none in the negative.

Gov. BUTLER. Have you put the negative?

Mr. BROWN. Yes, sir; nobody voted.

Gov. BUTLER. Ha, ha, ha; what a farce this is.

Mr. BROWN. Of course we are not all experts in tea and coffee.

Mr. MURPHY. I don't understand that vote.

The CHAIRMAN. Very well; I will put it again. Those in favor; those opposed by the same sign. Now decided in the negative. Now we will vote on the coffee.

Q. (By Mr. PUTNEY.) Did you weigh the amount of coffee you used this morning? A. No, sir; it is weighed and sent to me.

Q. You supposed they weighed it? A. Yes, sir.

Q. (By Mr. MURPHY.) Then you don't know for a certainty that the respective quantities of coffee and water were used — of your own personal knowledge? You don't know of your own personal knowledge whether this coffee is the same as that you have been making in the past or not? You didn't weigh the coffee when you got it? A. I never weighed.

Q. It is weighed by somebody else? A. Yes, sir; and sent right to me.

Q. (By Mr. CHESTER.) Have you drank of this coffee? A. Have I?

Q. Did you drink of this coffee this morning? A. Yes, sir; I think I tasted it.

Q. How does this compare with the usual coffee you drink from day to day? A. What do you mean; with the inmates' coffee?

Q. I mean the kind of coffee you prepare for the inmates; you drink of that coffee every morning, do you? A. No, sir.

Gov. BUTLER. No; you don't catch him.

The WITNESS. I might taste of it.

Q. (By Mr. PUTNEY.) Do you know how much coffee you used this morning in making that? A. I suppose there was sixteen pounds. It is weighed and sent to me and called that.

Q. You don't know absolutely whether there was sixteen pounds? A. I should say there was sixteen pounds.

Q. (By Mr. MURPHY.) Is it just possible that the present management may have been a little more liberal and given you a little more coffee?

Mr. BROWN. I see what you are afraid of ; you are afraid it will be too strong.

Gov. BUTLER. Yes, sir ; that is what we are afraid of.

Q. (By Gov. BUTLER.) I want to ask you a single question. Where is the coffee made that you drink of in the morning? A. That is made at the superintendent's kitchen.

Q. You don't dine with the superintendent, do you? A. No, sir.

Q. But you dine at what is called the officers' table? A. Yes, sir.

Q. And do you drink yourself of the tea and coffee which you make for the inmates, as your beverage? A. No, sir ; not for breakfast and supper ; along through the day I drink some of it.

Q. When it is cold? A. Sometimes when it is warm.

Q. But for your breakfast and supper you don't have it? A. No, sir.

The CHAIRMAN. Now, I will put the question : those in favor of admitting the coffee to be inspected by the committee will raise their hands.

[The committee refused to admit the coffee.]

The CHAIRMAN. The committee appear not to be dry this morning. Better bring some bread next time, Mr. Brown, and you may have better luck.

Q. (By Mr. BROWN.) Mr. Barnard, will you go home and make some tea and coffee, having weighed your tea and coffee, and bring it here to-morrow morning? A. Weigh it myself?

Q. Weigh it yourself? A. Yes, sir.

Mr. BROWN. Take it out of the same lot served to the inmates, both tea and coffee, and have it here to-morrow morning.

Gov. BUTLER. How can he tell that? If he has not taken the other out of any lot, how can he tell?

Mr. BROWN. I say take it out of the same portion that is served to the inmates.

Gov. BUTLER. Oh, well, if you want to —

Mr. BROWN. That is all. Mr. Barnard. Bring it here to-morrow morning.

TESTIMONY OF WILLIAM H. LATHROP (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. William Henry Lathrop.

Q. And you are a physician? A. Yes, sir.

Q. Where did you graduate? A. In medicine, at the University of Pennsylvania.

Q. (By Gov. BUTLER.) Philadelphia? A. Philadelphia.

Q. (By Mr. BROWN.) When? A. In March, 1865.

Q. You are connected with the Tewksbury almshouse? A. I am.

Q. How long have you been connected with it? A. Since October, 1875.

Q. Had you any experience in public institutions before you went to Tewksbury? A. Yes; I had been in a number of hospitals.

Q. Now, state them. A. I was in the army in three or four; commissary steward.

Q. What hospitals? A. I was commissary steward in the Foster hospital at Newbern, N. C.

Q. When was that? A. That was in 1862 and 1863.

Q. (By Gov. BUTLER.) Commissary steward? A. I was a private soldier detailed from my regiment as commissary steward.

The CHAIRMAN. A little louder, Doctor.

The WITNESS. I was a private soldier, detailed from my regiment to the hospital to act as commissary steward.

Q. (By Mr. BROWN.) What was your regiment? A. The Forty-fourth Massachusetts.

Q. Now, taking them right in order, give us the different hospitals. A. I went from there to Satterlee post, West Philadelphia, as acting medical cadet, they called it. I stayed there while I was studying medicine, and completed my studies there.

Q. Then where? A. Then I went to City Point, Virginia; to the Second Corps Hospital, City Point, as assistant surgeon. From there I went to take charge of a hospital in Orangeburg, South Carolina.

Q. How long were you there? A. I was there about two months.

Q. (By Gov. BUTLER.) An army hospital? A. Yes, sir.

Q. (By Mr. BROWN.) Then where did you go? A. To a post hospital in Charleston, South Carolina.

Q. How long were you there? A. I was there about six months.

Q. Then where did you go? A. Then I travelled around the State, visiting different posts, and after a few months I was assigned as health officer at Port Royal, and I had charge of the cholera hospital, but we didn't have any work to do; we had quarantine.

Q. Under whose direction did you travel about? A. Under the direction of the medical director.

Q. Of what? A. Of the department of the South.

Q. In what year was that? A. From the spring to the fall of 1866.

Q. Then where did you go? A. Then I studied medicine a year; and then I went out West.

Q. Where did you study medicine? A. At Philadelphia.

Q. Then you went West. Where? A. Then I went West, and went into private practice. I was in Chicago a year, and I was in Detroit.

Q. Connected with any hospital? A. I was connected with the medical college, and at the same time I was connected with the Catholic retreat for the insane. I had medical charge of it.

Q. And how long were you in charge of the Catholic retreat for the insane? A. I think it was about three years; I had the medical care, — nothing to do with the general management.

Q. Then where did you go? A. I went to the county insane hospital and almshouse; that was in the immediate vicinity of the city. I remained there two or three years, and came from there directly to Tewksbury.

Q. So that, at the time when you went to Tewksbury, you had had how many years in the treatment of the insane?

Gov. BUTLER. He said he was only the medical man at one place.

Mr. BROWN. I know; but I want to know what experience he had in the treatment of the insane.

A. In the sisters' hospital I was the only physician, and, of course, the sisters had the care of the hospital; they sent for me nights, or at any time when there was need of a physician.

Q. That was the Sisters of Charity? A. Yes, sir; that is the order.

Q. What was the name of this Catholic retreat? A. The legal name is the Michigan State Retreat for the Insane.

Q. The Michigan State Retreat for the Insane? A. Yes, sir; that is the legal name of it; it was established a good many years ago.

Q. Then you came to Tewksbury; in 1875? A. Yes, sir; in the fall; in October.

Q. The fall of 1875; and you have been there continuously since that time, have you? A. I have; yes, sir.

Q. And you have been the physician in charge, have you? A. Resident physician is the title.

Q. Now, what physicians have you had under you during that time? A. I was associated first with Dr. Marsh — Nellie M. Marsh.

Q. Well, go on and state. A. Dr. George E. Putney, Dr. E. Q. Marston, Dr. Charles Foster, Dr. Edwin F. Cummings, Dr. Wendell P. Abbott, — whose name was previously Kenney, on the books, but whose present name is Wendell P. Abbott, — and his wife, Mrs. Julia P. Abbott.

Q. Who else? A. Dr. Cutter, Dr. E. J. Cutter, Dr. Anna M. Wilkin.

Q. She is there at present? A. She is at present there; Dr. William D. Otterson.

Q. Dr. William D. Otterson. How long has Miss Wilkin been there? A. She came there, if I recollect correctly, — she has been there since a year ago last Christmas, or first of of January; somewhere about such time as that.

Q. Well, now, I want you to tell me, when you first came there in 1875, what was the condition of the department for the insane at Tewksbury? A. The buildings were put up with special reference to economy, and the provisions made for isolating cases, particularly those that were disorderly, were very poor. There was a room under the stairs where some very bad cases were kept, and there was a room, — there were three, six rooms in the top of the house, which were made as strong rooms, and were immediately over the three rooms occupied by officers. Those were the only rooms that were in use for the violent insane, or the healthy insane.

Q. And that refers to both the male and female wards? A. I am speaking, now, of the whole building.

Q. The whole building? A. Yes, sir. We asked for an appropriation to make additional rooms for isolating cases, so as

to secure more quiet for the nervous ones, and to enable us to keep them — the disturbed ones — from injuring the others, and we secured about forty-eight of these little rooms, single rooms all but three or four of them.

Q. And when was that? A. I am not sure of the date of it; I think it was in 1876.

Q. 1876? A. The latter part of 1876.

Q. Prior to that time had any of these rooms, such as you speak of, existed in the insane department? A. They did not, except the strong rooms I spoke of up at the top of the house. They were so far up they had that disadvantage; they were far away from the attendants, who were small in number, and, consequently, they could not watch the patients as was desirable.

Q. Well, now, take the bathing apparatus when you went there in 1875; what was it in the insane department? A. On one end the bathing facilities were very good; that is, the newer end.

Q. And what did they consist of? A. They consisted of six tubs, each tub being separated from the one adjoining by a wooden partition.

Q. That was in 1875? A. That was when the house was first built, that was built.

Q. And was that the part that Mr. and Mrs. Barker had charge of? A. No, sir; that is the part Mr. Emmons French had the care of at that time.

Q. At that time, when you went there? A. And that Mr. and Mrs. Bean now have the charge of.

Gov. BUTLER. Who is that?

Mr. BROWN. Mr. and Mrs. Bean. That is the lady you inquired about the other day.

Gov. BUTLER. What?

Mr. BROWN. That is the lady you expressed the hope would be here, the other day.

Gov. BUTLER. I hope I shan't be disappointed.

The WITNESS. At the other end there were in each part two bath-tubs, individual tubs, that were used whenever a patient was in need of a bath, from filth or any special reason, from day to day; there was, also, on each side of the old half, a pond or tank; call it a pond, a tank.

Q. What were the dimensions of it? A. Perhaps twelve feet square, something of that kind.

Q. Well, now, then, that was the part where Mr. and Mrs. Barker were, was it? A. It was; yes.

Q. You recollect them, I suppose? A. Very well; yes.

Q. You recollect Mr. and Mrs. Dudley? A. I do.

Q. Within your knowledge, while Mr. or Mrs. Barker, or Mr. or Mrs. Dudley were connected with the institution, were any considerable number of people bathed in the same water? A. At the weekly bath.

Q. State what the fact was. A. Mr. and Mrs. Dudley had no occasion, and I don't think they ever did bathe two patients in the same water.

Gov. BUTLER. They don't say they did, either.

The WITNESS. What?

Gov. BUTLER. Go on.

Mr. BROWN. Go on.

The WITNESS. But I don't know but Mr. and Mrs. Barker, — for a short time they bathed the patients in this tank, but I don't think it was continued a very long time.

Q. Well, what was the occasion of it? A. I think it was the custom of establishments for the poor.

Q. Well, were there at this very time individual tubs in which filthy cases could have been put? A. There were two tubs in the room which were used from day to day.

Q. Now, who had charge of the bathing at the time when Mr. Barker was there? A. Mr. Barker and his assistant; part of the time he had an assistant who superintended it.

Q. Now, sir, was there any reason, within your knowledge, why Mr. Barker should have bathed filthy persons all together in the same water, except his own preference? A. I don't think he ever bathed filthy persons, — I think they were very particular not to do that, — but they bathed the whole number, a large number, at least, ten or a dozen, in this pool, because it was the custom of the place for a while. Then that was done away with; I think it was done away with very soon after I went there; I remember seeing it done at the time.

Q. Well, Doctor, supposing that any one testified that filthy persons were bathed in that bath in the same water, do you know of any reason why it was necessary to have been done, or why it should have been done, except for the convenience of the party who was doing it? A. I do not.

Gov. BUTLER. How is that?

Q. Was your attention ever called by Mr. or Mrs. Dudley,

or by Mr. or Mrs. Barker, to the condition of a woman who was said to have been kicked ; bruised on her back or side? A. I don't recollect any case, now. They called my attention to cases almost daily that required my attention, — of sickness, or something of that kind.

Q. Well, did you ever know, in the insane or any other department, any person to be kicked or bruised in that way by any attendant? A. I have known, — there have been instances from time to time when there have been difficulties between the patients and their attendants. We have very few attendants there, and sometimes a violent patient will have a struggle with an attendant ; and, therefore, it would happen sometimes that the patient as well as the attendant would get some bruises. I don't recall, now, any instance where —

Q. Well, was your attention ever called to a case of Emmons Young kicking or bruising an insane patient? A. Emmons French.

Q. Emmons French, I should say. A. There was a case which was called to the attention of the trustees, and Mr. Elliot went over there, — I don't know whether any one else did, — and made a personal examination into it. I don't recollect that the patient was at all injured by it. Mr. French told us that he was attacked by the patient, and that he had a struggle with the patient, but the patient was a healthy person : I don't remember that there was any injury done to her ; she was a very strong, healthy person.

Q. Did she die within a short time, Doctor? A. I am quite sure she did not.

Q. Do you recollect any case where Emmons French kicked or bruised an insane person who died shortly after, and whose back was covered with bruises, — black and blue spots? A. I don't remember any case where it was —

Q. Was there any such —

Gov. BUTLER. Pardon me ; allow him to finish his statement.

Mr. BROWN. Go on, Doctor.

Gov. BUTLER. Let us see ; I want the full denial of that, if he chooses to deny it.

Q. Had you finished, Doctor?

Gov. BUTLER. He had not finished.

A. I don't remember any case where I believed that he did.

Gov. BUTLER. That is not the question asked.

Q. I don't ask you that; I want to know what is the fact. Leave your belief out for the present; I want to know what the fact is. Was there any case within your knowledge where Emmons French kicked or otherwise injured any person who died afterwards and who had black and blue spots upon their back or sides? A. I should answer that question no.

Q. No; very well. Was any such case ever called to your attention by Mr. or Mrs. Dudley, or by Mr. or Mrs. Barker during their sojourn at the hospital? A. I don't remember of any such case.

Q. You knew Emmons French, did you, Doctor, very well? A. Very well, indeed.

Q. What was his character as an attendant; was he efficient? A. Very efficient.

Q. Kind-hearted? A. I always thought so.

Q. And gentle in his management of the insane, so far as you ever saw? A. He was a good manager; I should not say that gentleness was his chief characteristic.

Q. Was he ungente; was he rough? A. I don't think he was unnecessarily rough. I think he was kind to them and I think he treated them well.

Q. Well, was he rough? A. I never considered him rough in his manners.

Q. His wife was there with him, was she not?

Q. (By Gov. BUTLER.) In his manners? A. In his management.

Q. (By Mr. BROWN.) In his manners toward the insane; that is what I am getting at. A. In his manners, I should say.

Q. He was not rough. His wife was there with him, was she not? A. She was.

Q. Do you know where she is now? A. I do not.

Q. Do you know she has been married again? A. I have heard so; I don't know.

Q. She is now Mrs. Young, do you know? A. I have heard that that was her name.

Q. Well, now, Doctor, take the insane department and tell me what changes have been made in the administration of that department since you have been there? A. There has been an increase in the number of attendants.

Q. What increase? A. When Mr. Emmons French died, there was an effort made to have no men in that end of the

building, to see how they could get along, and Mrs. Emmons French was placed in charge, with two assistants. When I went there there were four in the whole building; since that time the number has been increased to seven, and it was increased after I had been there about a year and a half. I should say, — not all at once, but, in a general way, in that length of time. Mrs. Emmons French was changed, and it was thought best to return to the old system, and Mr. and Mrs. Dudley took the place of the three ladies who had been in control of it.

Q. Why was it thought best to return to the old system of having men there? A. There was a want of skill and good character in the management, we thought, of the patients; more with reference to the care of the building, general cleanliness, and, perhaps, we might add, the harmony of the officers.

Q. Well, now, any other change that has been made since you have been there? A. There has been a great improvement in the water closets.

Q. When were these constructed? A. They were constructed at different times on the new end of the building, I think, the year after we got the new rooms.

Gov. BUTLER. That leaves us without any light; we don't know when they got the new rooms

The WITNESS. The new rooms were put in. — I have not these dates in my mind; they are in the annual reports of the institution.

Gov. BUTLER. I wish you would look them up, Doctor; you can easily tell by looking at the auditor's reports.

The WITNESS. We had an appropriation, I think, of \$3,000 for water closets at the new end, and what was practically a separate building, outside of the other building, was constructed to contain these closets and allow the patients to enter from the dormitories, which they were never able to do before. And, subsequently, another similar appropriation was made for the old end, and those were put in.

Q. Well, any other change that you think of? A. The water service has been improved by connecting with the reservoir. When the reservoir was directly connected with the pump-works in the valley, the lower portion of the building was connected with the reservoir so as to get a larger and better supply of water.

Q. Has there been any material alteration in the quality and

character of the food? A. We have allowed the insane butter, which they didn't have before.

Q. When was that? A. That was in the fall of '76.

Q. The fall of '76; and they have had butter ever since? A. Ever since; they have all they want of it, morning and evening.

Q. What else? A. That is, if they ask for more it is given to them. We have increased the heating of the building. In the new end the heating was not thought to be sufficient, and more radiators have been put in, and a large stove in the basement; and, also, new arrangements for heating hot water, — a boiler and a stove connected with it that heats the water for each section.

Q. Has there been any change in the character of the bedding and beds, etc? A. I don't remember any change in that respect.

Q. Well, now, with the exception of the butter, has there been any change in the character of the food? A. I don't know that there has been any in its, — as far as its value as food is concerned; there have been changes in the actual kind of food given out.

Q. Well, what change in that regard? A. I don't know what was furnished before I went there.

Q. Since you went there? A. At one time they were not having any corn-meal mush, and that was given to them; and, then, we have changed and given them more oat-meal; and, one time, we gave them a good deal of dip-toast, and we found they didn't like it, and we stopped it. Sometimes we give them brown bread; and then we, — in summer we don't give them so much food of that kind; we give them food that is more laxative in winter than we do in summer; try to change it a little.

Q. Well, has there been any period of the time that you have been connected with the Tewksbury almshouse that there was any unwholesome food served to any inmate in any department, that you know of? A. No instance, except when through some accident; incidentally, something on one occasion might be served out, same as it would be in any camp.

Gov. BUTLER. A little louder; I don't hear you.

The WITNESS. I say there have been isolated instances in which, through some mistake, food that was not perfectly good has been served out, the same as would happen in any camp or hospital; but if it was found before it was served out to be

poor, it has always been taken back, and other food served ; and, I think, that not oftener than once a year, perhaps, an error of that kind would happen to occur.

Q. Now, for instance, give us an illustration, if you recollect any? A. I remember one instance in which the brine had got off of some beef, and the beef was served before they knew that it was out ; and when the nurses giving it out noticed it, they ceased to give it out. and, of course, the patients went without meat that meal.

Q. Now, any other instance that you recollect? A. I don't recall any just now ; instances of that kind are very rare.

Q. Now, what changes, if any, have been effected in the hospital—men's and women's hospital—outside of the insane department? A. Formerly the number of women outnumbered the men.

Q. (By Gov. BUTLER.) By "formerly," when ; what year? A. The change began to appear about the time I went there, through the change in the settlement laws. I was informed, and the men began to grow more numerous in proportion ; consequently we had to make more provision for sick men. We commenced to use the building known as 19 for a hospital for sick in connection with the "short hospital," which was also used for sick men, the women occupying the "long hospital." Then a dispensary was built in between the two,—the men's and women's hospitals, as they were called then,—it had previously been in the main building ; and there have not been many changes made in the building itself, except that. We had only one bathtub, and we put in another one.

Q. (By Mr. BROWN.) Has there ever been, since you have been there, any lack of sufficient bathing facilities, or any reason why more than one person should bathe in the same water?

A. The bathing facilities were insufficient, but not such as to justify such a thing as that.

Q. Well, was it ever done, except as some attendant saw fit to do it upon his own responsibility, within your knowledge?

A. Not in any other way than that ; it was by an attendant.

Q. Was the matter ever called to your attention that more than one person was bathing in the same water? A. It was called to my attention.

Q. When?

Gov. BUTLER. We have been all over that once to-day ; we don't want to go over it again.

Mr. BROWN. I beg your pardon; my previous inquiry was confined to the story of Barker and Dudley and the insane department; now I am asking about something else.

A. I don't remember the date. As soon as I found the nurse did it I had a notice put up in the hospital that if any inmate was bathed in the same water with another that they should report to me at once.

Q. Did you call the attention of the attendant to that fact?
A. I did.

Q. And prohibit it? A. I did; and he complained that his facilities were poor, and that on that account he had sometimes done this thing.

Q. What was his name? A. Rollins.

Q. Rollins; did you ever have any means of knowing how many times that took place? A. I didn't know it was done at all before that, and I have been assured a great many times since that it was not done.

Q. Have you investigated among your patients to ascertain whether the thing ever occurred again? A. I have.

Q. And never could discover that it had? A. Never could.

Q. (By Gov. BUTLER.) That it occurred since the notice was put up, you mean? A. Since that time; yes, sir.

Gov. BUTLER. He has not fixed that time; I wish he would.

Mr. BROWN. I asked him to fix the time.

Q. (By Mr. BROWN.) When was that? A. I haven't any means of fixing the time; it occurred when —

Q. (By Gov. BUTLER.) When Rollins was there? A. When Rollins was there.

Q. (By Mr. BROWN.) How long ago was that?

Gov. BUTLER. We can tell when that was.

A. I suppose it was four or five years ago.

Q. Now, Doctor, at the present time are there sufficient bathing facilities throughout the entire hospital?

Gov. BUTLER. May I ask him what Rollins's name is?

The WITNESS. Charles T.

Q. Are there sufficient bathing facilities throughout the entire hospital, almshouse? A. I think the bathing facilities are very fair.

Q. Are they sufficient? A. They are sufficient for cleanliness. It would be a greater convenience if they were more ample in the men's hospital; but they are sufficient —

Q. For cleanliness? A. For cleanliness.

Q. That is, you can get along with them and keep your patients clean? A. Without any trouble at all; bathe each man in good water and plenty of it.

Q. By the way, in regard to this water up there; is it colored a little? A. It is often colored by the iron pipes; the pipes are all iron.

Q. Where does it come from, some brook? A. It is pumped from a brook up into a reservoir, and from the reservoir it flows down into the institution, some of it directly into the institution and some of it into tanks where it lies and is then drawn off into the places where it is used.

Q. Now, Doctor, come to the lying-in hospital, or, at least, the foundling hospital; were there any foundlings there when you went there in 1875? A. There were; yes.

Q. Now, Doctor, you were there, connected with that almshouse, from 1875 so long as the foundlings were carried there. — were there? A. Excuse me?

Q. From '75, when you went there, you continued there so long as they kept foundlings? A. Yes.

Q. And had charge of them? A. Yes, sir: generally.

Q. Generally; and, also, of the lying-in department? A. Yes, sir.

Q. Now, Doctor, I want you to give us a description of these foundlings, generally. A. The Massachusetts Infant Asylum stood ready to take the healthy children, to a certain degree, and there were other parties —

Gov. BUTLER. Now, that is not a description of the children.

Q. You are trying now to give a description of those that didn't go; I want a description of those that did go. A. They were mostly very poor specimens of their kind; they were often drugged, and generally were emaciated.

Q. (By Gov. BUTLER.) When they came? A. Drugged when what?

Q. Drugged when they came? A. So the nurses said, those that brought them, the attendants.

Q. (By Mr. BROWN.) That is, that they had been drugged — A. Said that they had given them medicine to make them sleep.

Gov. BUTLER. Oh, yes; certainly.

The WITNESS. On their way up.

Gov. BUTLER. Thank you.

Q. What else? A. Their general condition was bad.

Q. Give us the particulars in which they were bad. A. Some had evidences of constitutional disease.

Q. Such as what? A. Scrofula, syphilis; and some had evidence of improper nourishment, not from want of food, but from the fact of being bottle fed and want of care. In winter, for instance, some of them would have a cough from the exposure to which they had been subjected. Quite a number of them had been left out on doorsteps and in wood-yards and such places in the winter time, and had acquired some disease of the lungs from that cause. They used to come to us in winter the same as in summer.

Q. Some came from long distances? A. Yes, sir.

Q. Came from all parts of the State, I suppose? A. Sometimes; there were some instances where they came actually dead. In one instance, the woman that brought the child did not know it was dead till it was unwrapped.

Q. Then she found it was dead? A. Yes, sir.

Q. Do you recollect the name of that child and when it was? A. No, I do not. There were some that looked well, looked healthy.

Q. Now, Doctor, after these foundlings arrived at the institution, state what you did for them? A. We had a room assigned for the care of foundlings in the building known as No. 20, the latter part of the time. The first part of the time I was there it was in the room No. 7, in the main building; but we didn't think that was so good for them, so they were taken away to this other place, very soon after I went there. They were treated by the nurse very much as babies ordinarily are, washed and clothed; and they were fed mostly on cow's milk. We always had a cow especially selected for the milk for these babies; the farmer picked out what he thought was the best cow, and from time to time made changes, so that they would always have a good cow, a new milch cow. And we had cans painted in a peculiar way, so that they would be recognizable, and the cows were milked into, — the cow was milked into this can; one can was used while the other was being aired. For the most part we relied on cow's milk for their food.

Q. Now, Doctor, did you exercise the best judgment and skill you had in trying to save these children? A. We did; and we had a great deal of discussion and consideration with

regard to the foundlings. A great many physicians visited the institution, and we asked their advice as to what was the best way of treating them.

Q. Do you recollect the name of any of these physicians?

A. I remember that Dr. Wheelwright took a very active interest in it.

Q. (By Gov. BUTLER.) You mean by Dr. Wheelwright, the member — A. Yes, sir.

Q. Of the in-door poor or the out-door poor department, I don't know which? A. Yes.

Q. (By Mr. BROWN.) Do you recollect the name of any other physician? A. I don't now recall any. As they would visit the institution, just to go through, we would show them these babies and ask their opinion as to the advisability of different methods of treatment, and there were a number of different methods tried. When any new doctor would take the care of the foundlings he would think it was all useless for them to die so fast, and he would have great enthusiasm, and he would intimate very plainly that he thought his predecessors had been very derelict in their duty; but he would soon come to the same conclusion with the others.

Q. Well, now, when you speak of the new doctor, you mean the changes — A. The different persons as associates who would enter the field.

Q. Who would enter the institution. A. Yes, sir; I had the same feeling myself, when I first went there, that it was all useless for these foundlings to die as they had died before.

Q. Now, did you make an effort, the best you could? A. I studied all the books I could find on the subject, and advised on it, and did everything I could do under the circumstances.

Q. Exhausted all your resources?

Gov. BUTLER. Under the circumstances?

The WITNESS. Under the circumstances.

Q. Now, when you say under the circumstances, what do you mean? A. I mean two circumstances.

Q. Well, give them to us. A. Putting babies together, and feeding them on cow's milk; feeding them on milk other than human milk. If the babies can be separated and can be nursed, even in part, they can some of them can be saved. But, of this class, there are some that cannot be saved; but some very feeble children can be saved if they are properly wet-nursed.

Q. Is there any difficulty in getting wet nurses for these

children? A. There is difficulty in getting them without paying them.

Q. (By Gov. BUTLER.) Without what? A. Without paying them.

Q. (By Mr. BROWN.) That is, they won't come for fun? A. No.

Q. Did you ever try to get wet nurses for the syphilitic children? A. No, sir.

Q. Is it possible to get any? A. I never did, nor I should not allow a woman to nurse a syphilitic child.

Q. So the syphilitic children it is difficult to treat in the way you have suggested? A. Of course it would be unadvisable to try it.

Q. Well, now, what force did you have there of attendants to take care of these foundling children? A. We had a paid assistant and inmates.

Q. Now, did you make application for a larger force and a better force? A. I was trying to recall what the nature of the force was just at that time; I think that the force was increased while the foundlings were there to this extent, that a paid night assistant was engaged, if I am not mistaken.

Q. And was she a trained nurse? A. If you mean a graduate of the training school, she was not.

Q. A person who had had large experience? A. We have always had persons who have been married in that department, I think, generally; I won't say always, we have generally, — the person who has had the charge of the babies has been a person who had been married, — Mrs. —

Q. Did you have all the facilities there for the care of these foundling children that you desired, aside from the wet nurses?

A. We did not; we were not satisfied with the inmate help.

Q. Did you ever try to get other in its place? A. I think we made application for other help.

Q. Did you get it? A. We were always told that there was not means to engage any more.

Q. Not means to engage any more; and when do you recollect to have first made an application and been met with that answer? A. I don't remember that I ever made a written application.

Q. Well, any application, in any form of words, written or oral? A. I don't; I have no definite recollection about that.

Q. Do you recollect whether you made such an application more than once?

Gov. BUTLER. He don't even remember he made it once.

Mr. BROWN. Yes, he does; he said he did make it, but he don't recollect when it was. Now, I ask him if he made it more than once.

A. It was a very common complaint that our inmate help was insufficient.

Gov. BUTLER. It is now a question of making application to the superintendent.

Q. I ask you, Doctor, whether you recollect to have made application, either written or oral, more than once, for more skilled assistants in the foundling department? A. I don't remember about that part of it, any further than that we frequently made complaints of the inadequacy of the inmate help.

Q. And these complaints were made to whom? A. Made to the superintendent and trustees.

Q. Now, Doctor, take the lying-in department; what force did you have there? A. We had a paid woman in charge, and generally an inmate woman, who was selected as being suitable for that kind of work, the best that we could get, and they managed the affairs with the aid of such women as were convalescent in the department as could be secured.

Q. Now, was there any part of the institution, at any time while you were there, where there was a deficiency in the beds and bedding? A. I don't remember any such state of things, except once in a great while there might be.

Q. Now, Doctor, do you recollect, during the time when Mr. and Mrs. Dudley were there, or Mr. and Mrs. Barker, of a woman who was confined in a cell in the insane department on account of her filthy habits? A. I think there were a number of such cases.

Q. Was there any case which did not receive attention every day, and whose room was not properly cleansed every day or oftener? A. If their rooms were not properly taken care of it was the fault of the attendants, and I don't remember any such instance.

Q. Was anything of the kind ever called to your attention by Mr. or Mrs. Barker or Mr. or Mrs. Dudley? A. They, of course, would not remind me of their own deficiencies.

Q. I don't ask you that; I want to know whether they did ever call your attention to it? A. I don't remember any such.

Q. You have read their testimony upon that subject, have you? A. I have.

Q. Now, if any such thing took place do you know of anybody who was responsible for it except the party who testified about it, — Mr. and Mrs. Dudley and Mr. and Mrs. Barker?

Gov. BUTLER. What do you mean by that, sir?

Mr. BROWN. I mean just what I say.

Gov. BUTLER. They have testified to what they found when they got there; they never testified to anything after they did get there.

Mr. BROWN. I beg your pardon.

Gov. BUTLER. Oh, no; they found this girl up there.

Mr. BROWN. They didn't come there till after the doctor had been there some time.

Gov. BUTLER. I know they didn't.

Mr. BROWN. Now he is testifying to a period which was before they came there, and, therefore, their story is not true.

Gov. BUTLER. Why not? They say that when they came there they found this woman in the attic, for instance, and they went to work and cleaned up; and he has already testified that things were in such a state they discharged Mrs. French and took them.

Mr. BROWN. Did what?

Gov. BUTLER. Discharged Mrs. French and took them.

Mr. BROWN. I beg your pardon; he has said nothing to show that Mrs. French did not perform her duty; her husband died.

Gov. BUTLER. I know; her husband died and it went on a while under her, and then it was not found quite right, he testified.

Mr. BROWN. Not quite right on account of neatness, because there was not proper force.

Gov. BUTLER. There was not proper force to enforce neatness, or whatever that might be. Well, they stated so when they went there.

Mr. BROWN. We won't have any difference of opinion about it, because I want to know what the fact was, that is all.

The WITNESS. This patient will make her room in a very filthy condition in a very few hours, while one person was going away and another person was coming.

Q. Was there any such patient who was confined, — any instance, — take the time when you first went to the institution,

prior to the time when Mr. or Mrs. Barker came there, or Mr. and Mrs. Dudley, — was there any person confined in a room with filthy habits who did not receive daily attention? A. I don't think that the patient was ever neglected.

Q. Do you recollect the name of the patient they testified about? A. Just this minute I don't recall the name; but the reason why the patient was kept in that room was because it was the only suitable room at that time; very soon afterwards we provided better facilities.

Q. Now, was there any instance of that kind, Doctor, where a room would go without care for several days? A. I don't think it ever happened.

Q. How frequently, Doctor, did you visit that insane department for the purpose of inspecting and seeing how things were going on? A. The insane department has been habitually visited once a day by some physician. When, some of the time, personally I did not do it, one of my assistants would do it; and, so long ago as that, it would be impossible for me to tell how often I visited, personally, the asylum.

Q. What was your habit in that regard? A. If there was no other physician visiting the house, it has been my habit to visit it daily, and often oftener, if any case demanded especial attention.

Q. Let us see; there has been within two or three days a little outbreak in the insane department, hasn't there?

Gov. BUTLER. I think we won't go into that.

Mr. BROWN. What is that?

Gov. BUTLER. I think we won't go into that.

Mr. BROWN. I don't know whether we will or not; if it didn't take place we certainly won't.

Gov. BUTLER. Pardon me; if it did, I propose to object to it.

Mr. BROWN. Wouldn't it be well to find out whether it did or not before you object?

Gov. BUTLER. No; because it isn't of any consequence whether it did or didn't.

Mr. BROWN. Well, Doctor, we are waiting for your answer.

Gov. BUTLER. I am objecting; you need not answer that question, Doctor.

Mr. BROWN. Well, what is the objection?

Gov. BUTLER. I have stated it, sir; that it is of no conse-

quence what has happened within a day or two, or two or three days, or a week.

The WITNESS. I don't remember any such case.

Mr. BROWN. He says he don't remember anything of the kind, so we won't pursue it.

Gov. BUTLER. Very well; I supposed you knew what you were asking about.

Mr. BROWN. All I knew was what I heard from one of your agents; he seems to be unreliable.

Gov. BUTLER. One of whose agents?

Mr. BROWN. Yours.

Gov. BUTLER. Good God! I don't know; who is he? I give you notice, once for all, I would turn them all out, from A to Izzard, if I had the power. Now, don't talk about my agents any more. I have not seen one I would suffer to take care of a hog, from the highest to the lowest.

Mr. BROWN. With a tattooed skin.

Gov. BUTLER. Yes; not a hog with a tattooed skin even.

Q. Now, Doctor, if there is in the institution anything wanting in the way of diet in the hospital or in the insane department, any article of food wanted there, I should like to know what it is, which has not been served there during the time since you have been there? A. When you speak of the diet, of course people have different ideas as to what is desirable.

Q. I mean what you would recommend as proper for the insane department or the hospital department. A. Our diet has been based partly upon the appropriation and partly upon the diet of the hospitals of the army, which seem to me to be sufficiently good. Our diet in the hospital and insane departments has been about the same as I was accustomed to see served to the soldiers, except, of course, that we have a great deal more milk than was furnished in the army.

Q. Well, are there any articles of food which you think should be added to the diet list of the hospital or insane department which not have been there used? A. A great many things that would be very grateful to the patients there, which might be furnished to an unlimited degree; but when it comes to what is good for their health and recovery, I think that such things have been furnished.

Q. Within the means allowed, you mean? A. Yes, sir; upon the basis that was laid down for us.

Q. Now, take the matter of attendance in the hospital; has

there been sufficient attendance in the hospital department, both men's and women's? A. I think there has with the inmate help which we have had.

Q. Well, take the department which Mr. Smith has had to do with, Mr. Henry A. Smith; do you recollect the number of patients he has had?

Gov. BUTLER. His wasn't one of the hospital wards, was it?

Mr. BROWN. Yes, it was a hospital ward; I ask him about —

The WITNESS. Convalescent ward; that is, if you mean the old gentleman.

Q. I mean the old gentleman, Henry A. Smith; was he in the convalescent ward or hospital ward? A. His ward contained convalescents, old men and epileptics, — persons who don't usually require much medicine.

Q. Now, for instance, is there sufficient attendance there?

A. I think there is, because he can employ the assistance of these epileptics and such persons when they are not sick.

Q. He can't do the work except with their assistance, can he? A. Oh, no.

Q. Is there any department where the work can be done with the present attendants without the aid of the inmates?

A. There is not.

Q. No department? A. No department.

Q. In the almshouse, which does not depend for necessary labor upon the inmates? A. There is no part; no, sir.

Q. Well, now, Doctor, you know Dr. E. G. West, I suppose? A. I do; slightly.

Q. Have you read his account of that case that he and you attended? A. I have.

Q. Now, tell us about that? A. The patient was —

Q. What was her name; do you recollect? A. Maria Farrey, I think, was the name. She was in what is technically called "difficult labor"; it was impossible for her to deliver herself. She had been in labor a considerable length of time without making any progress, and it was necessary to have assistance in order to save her life; and there was some hemorrhage, which made it important that the assistance should be rendered promptly. I applied the instruments — forceps — and found them inefficient.

Q. Why inefficient? A. They slipped off, slipped off from the head, and the head, then, had made no progress. I sent to the engineer, or went, I forget which, and asked him for

a pointed instrument, a steel instrument, and he handed me a round file, which was referred to.

Q. (By Gov. BUTLER.) Commonly called a rat-tail file?

A. Yes; it was larger a good deal than the small ones usually called by that name. And I didn't endeavor to perform craniotomy, but I thought I might, perhaps, make the bones of the head overlap; and that is the reason why I used these two instruments, the file and the screw,—endeavored to cause an overlapping of those bones.

Q. (By Mr. BROWN.) Let us see; that you undertook to do by inserting these instruments in the sutures? A. In the suture, and placing one bone over the other.

Q. And did you succeed? A. And I think I succeeded in loosening them, so that when I turned the head it pressed together and facilitated its exit.

Q. Now, Doctor, do you know of any other instrument with which you could have accomplished that any more perfectly than you did?

Gov. BUTLER. He don't say he did; he says he thinks he did.

Q. Have you any doubt, Doctor, but what you accomplished what you tried to do? A. I accomplished what I tried to do, because I delivered the woman successfully.

Gov. BUTLER. That is the delivery of her; that is another matter. However, I don't care.

The WITNESS. What I mean is, I could not tell; the bones did press together, but I could not tell whether it was due to what I did then, or whether it was due afterwards to the pressure which was brought to bear upon it by the operation of delivery.

Q. But you know that thing hadn't taken place before, and it did after you used the instruments?

Gov. BUTLER. Perhaps he has no proof it hadn't before.

A. I performed what is called the operation of turning, and, of course, I had to pull very hard to deliver; that was perfectly justifiable, because there was no other way of saving the woman's life.

Q. Did you ever know that case to occur before or since?

A. I have had one other case of a similar kind in which I—

Q. (By Gov. BUTLER.) Since, or before? A. Since that time. I procured an instrument for opening the head, and, when I had a case of that kind afterwards, I opened the head.

Q. (By Mr. BROWN.) Now, was there any instrument at the institution for that purpose at the time of this case of Farrell? A. If there was I didn't know where it was.

Q. You had never seen it? A. I had never seen it.

Q. Was the institution well supplied? A. There was what was called an obstetrical case, and it had a good many instruments in it, but that particular instrument I never found.

Q. (By Gov. BUTLER.) Did you find a becket for it?

Mr. BROWN. Did you find a place for it?

A. No, sir; the case wa'n't made, — it is a morocco roll case, so that any instrument could go in.

Q. (By Mr. BROWN.) This woman, I believe, lived? A. She did; she came down out of the hospital perfectly well.

Q. Ever been back since? A. Not to my knowledge.

Q. She was in no way injured by the use of these instruments? A. Not at all; I didn't subject her to any exposure to them.

Q. Have you and Dr. West ever had any differences? A. I have never had any acquaintance with him since that time; he was disappointed that we didn't employ him, that is all there was.

Q. And why wasn't he further employed? A. He hadn't received the degree of M.D.

Q. And consequently could not be employed? A. Could be employed.

Q. Under the statute that was the fact, was it? A. It was; yes, sir.

Gov. BUTLER. Was there any statute about that?

Mr. BROWN. Yes, sir; the statute required that a person should be a graduate.

The WITNESS. The word "physician" is construed as meaning a person having a diploma.

Gov. BUTLER. I don't know of any statute that said that; I have known some very good physicians who haven't got it.

The WITNESS. I mean that is the way they construed it.

Q. Was there any difference between you and Dr. West, at the time of this Farrell case, as to what ought to be done? A. I don't remember that he had anything to say about it.

Q. Do you remember that he expressed any disapproval of what you were doing? A. Not at all; no, sir; I don't remember that he said anything about it, either before or afterwards to me; either at the time or afterwards, I mean.

Q. For how long a time, to your knowledge, had he had charge of that case before you undertook to perform this operation? A. Well, he was watching the case, — he was away during the day before, and I watched the case then, and then I retired for the night, leaving him to watch the case; and he waked me up to say she had made no progress.

Q. You recollect what time in the night that was? A. I have no recollection about the hour; no reason to doubt what he testified about it.

Q. Well, has there ever been a proper supply of instruments at that institution since you have been there? A. We have always endeavored to keep down our expenses in that respect.

Gov. BUTLER. Leave out about keeping down expenses; has there been a proper supply?

The WITNESS. There never has been there.

Q. Is there a proper supply there now under the new administration?

Gov. BUTLER. I don't know —

Mr. BROWN. He came from there this morning.

Q. Was there this morning when you left? A. There are a good many instruments we should like to have which we don't have.

Q. Well, like to have; do you need them? A. I don't think there is any instrument absolutely necessary to the house that we don't have; I always endeavor to have everything, either belonging to myself or belonging to the house. A good many of the instruments are my own.

Q. You got along on that occasion with a rat-tail file and a screw-driver, but do you want to do it again? A. No, sir; we are not open to that danger again.

Q. Because you have got a supply. Now, what are the things which, in your judgment, it would be proper to have there as instruments, in order to have that institution properly equipped for all the exigencies which may arise? Give us a list of them. A. I have written out a list of instruments. [Producing a paper.] I own a good many instruments of my own, and where that is so, I have never asked the house to purchase.

Q. Supposing you should leave to-day, and take your own instruments away, would the institution be deficient in the proper instruments? A. There are a good many instruments —

Q. Just answer my question, first? A. It would be deficient.

Q. It would be deficient; very well. Now, go on and state what you need. A. There are a good many instruments which come in a general operating case that are wanting there; we have them ourselves; every physician has to have them in his practice, and I have them belonging to myself; they don't belong to the house. They are small instruments, which are usually found in a physician's pocket case. There are no instruments for bone operating; we have a good deal of that, — chisel, and such things.

Q. That is, no instruments belonging to the institution now for bone operating? A. That is, there are no chisels.

Q. How many do you need, and what do they cost? A. A full grown operating case costs \$40; and, if they were to purchase, I should advise them to purchase a full case.

Q. What else? A. Then there is no post mortem case. There are two or three knives that belong to the house. I have a good post mortem case of my own. There is no ophthalmoscope for observing cataract and such things, to make a diagnosis; I have one of those.

Q. Take a post mortem case; what is the expense of that? A. A good one can be purchased for \$12; from that up. That is a small price. I put the small price on this because it can be bought for that.

Q. What is the cost of an ophthalmoscope? A. From \$4.50 up to \$20.

Q. What else? A. For batteries they have two mechanical batteries that are operated by a crank. I have a chemical battery of my own.

Q. Is there any chemical battery? A. There is none belonging to the institution.

Q. Do you need one there? A. We need one; yes, sir.

Q. What is the expense of that? A. There are various prices, from \$15 to \$75.

Q. Go on to the next thing that you need? A. Some physicians think the laryngoscope is necessary.

Gov. BUTLER. You speak so low I don't hear you.

The WITNESS. Some physicians think the laryngoscope is necessary for observing the larynx.

Q. Do you think so? A. I think every hospital should have one.

Q. How much is the expense of that? A. It costs \$13.50.

Q. Well, go on to the next? A. Some have thought that a microscope was required, but it is a matter for the house physician. Most physicians have them.

Q. Is there any there now? A. Yes, sir, there are two; but none belonging to the institution.

Q. What is the cost of those? A. From \$65 to \$150.

Q. Go on to the next thing? A. There is one obstetric instrument that we do not have.

Q. (By Gov. BUTLER.) One what? A. One obstetric instrument, a cranioclasps, which does not belong to the house, and which would cost \$10. We have always got along without that, and I have never felt that it was necessary to get one, but the hospitals usually have them.

Q. Do I understand that you have one? A. I have not; no, sir.

Q. Nor the house, either? A. No, sir.

Q. (By Mr. BROWN.) Have you now read all the list of the things you think should be there? A. Yes, sir; besides what we have.

Q. How much is the sum total? A. The general operating case costs \$70, and I have put down under that head \$35, as the price of half of it, as the price of the instruments we require, because we have an amputating case which contains that part of the instruments.

Q. What is the sum total of the things you need? A. About \$290. Under the head of battery, electrical instruments, I have put \$172. Because to carry out that method of treatment in its various branches would require that expenditure, if they chose to adopt it.

Q. Now, let us go to another subject. Do you recollect Charles Johnston, that came there from Springfield, who had trouble with his legs? A. Had his legs amputated. I do.

Q. Did you see him frequently while he was in the institution? A. I did; yes, sir.

Q. Now, did he ever complain to you that he was not properly cared for there? A. Not at all. I didn't suppose that he had that feeling.

Q. How frequently did you see him? A. I should say every day, almost.

Q. How frequently did you converse with him? A. When he first went there I conversed with him almost every day.

Q. Now, Doctor, in your judgment, was he properly treated while he was there? A. He had had his legs amputated and the ends of the stumps had not perfectly healed, and he had false legs, which he was advised by his surgeon not to wear, but to come to Tewksbury and get along without his stumps.

Q. (By Gov. BUTLER.) Without using them? A. Without using his false legs for a while, so as to see if they would not heal; consequently, he went around on his knees. He had some pads—leather pads, that he wore on his knees, and he went around with those. He had every facility which we usually give to such people. He was in the hospital a portion of the time.

Q. Have you read his testimony? A. I have.

Q. Do you know any reason why he should have gone out in the snow and water on those stumps in the winter, except he desired to do so himself?

Gov. BUTLER. To get his dinner.

The WITNESS. I don't think it was necessary for him to do so. I don't remember his being put into a part of the house where it was necessary for him to walk out, and if he had complained to me he could easily have been put into a place where it would not have been necessary for him to do so.

Q. Did he ever complain to you that he had to go out on these stumps in the water and snow to get his meals? A. I am quite sure he never did.

Q. Well, I put the general question: Was there any particular thing about which he ever complained to you that he was not receiving proper attention and proper care? A. The only complaint that he made to me was that his stumps didn't heal. They had been operated upon by another surgeon, and I should not care to interfere with another surgeon's operation; we usually allow a man free transportation from the institution back to Boston.

Q. And in this case you did the same? A. That is what I think was done. After he stayed awhile, and didn't get well, he was sent back to the surgeon who operated upon him, that he might attend him.

Q. Now, do you recollect the condition of those stumps when he came there, so that you could compare them.

Gov. BUTLER. If he examined them.

The WITNESS. I did examine them, to see their condition,

when he came, and how they compared when he went away. I don't think there was much difference.

Q. Did you ever have your attention called to the fact that on account of this exposure these stubs were swollen or inflamed? A. Not at all.

Q. Or that any kind of disease set in on account of that exposure? A. Never did.

Q. Did you ever hear him complain of anything of that kind? A. I never did.

Q. Do you know Frank Haberlin? A. I do.

Q. Is he at the institution now? A. He is.

Q. What is his condition? A. He is in an advanced stage of consumption.

Q. Is he able to come here as a witness, in your judgment? A. I should say he was as able now as he was before. He is not a man that would be benefited by travelling about. I do not think he is any worse, to all appearances, than he was when he came before.

Q. Do you know whether he keeps his bed? A. He is up every day, I believe, and dressed.

Q. Goes about the almshouse? A. Goes out into the yard in front of the hospital.

Q. Now, Doctor, during any part of the time that you have been connected with this institution, have you ever observed any reckless expenditure of money, or waste of material, provisions, or anything of that kind? A. I don't think I have.

Q. How with regard to the clothing for the children in the lying-in department; is there sufficient of that, and of a proper quality? A. I think there is.

Q. Have you ever heard any complaint among the inmates that they didn't get their clothing when they were about to be discharged? A. Once in a great while there will be complaint that some article of clothing is missing.

Q. Well, how frequently? A. Perhaps once or twice a year, when a man misses his overcoat that he brought in with him, or misses a shirt, or something that went to the wash.

Q. Do you recollect a child that was brought to the institution by Mr. and Mrs. Carver, of Braintree? A. Not by that description.

Q. Have you read the testimony of Mr. and Mrs. Carver? A. I don't remember that child.

Q. Tell me this, Doctor: whether in your experience as a

physician, you have found that a change of milk would be sufficient to cause a child to be sick? A. From one cow to another?

Q. A change of milk, from one cow's milk to another cow's milk — would that be sufficient to produce sickness in a baby? A. In a young infant; yes, sir.

Q. Now, what sickness would you expect to find? A. Some disease of the stomach or bowels; the alimentary canal.

Q. And if it were allowed to develop what would be the result? A. It might be diarrhoea or vomiting.

Q. You would naturally expect vomiting? A. If a child didn't accustom itself, or adapt itself to this, I should expect it to continue.

Q. Did you ever know skim milk to be administered to those babies up there? A. No; I never did.

Q. Supposing it was, do you think it would be a serious injury? A. I don't think it would, except as a matter of depriving them of a certain richness. They don't make any butter, and there is no cream used that I know of.

Q. Well, the milk skimmed is simply deprived of a part of its nutritious qualities? A. Yes.

Q. That is, it would not be as nutritious.

Gov. BUTLER. You are prejudiced that way.

The WITNESS. I never knew any child to be fed on skim milk since I have been there.

Q. Well, now, take those children who died in the foundling department; it has been said that some of them died from starvation, and it has been said that they were thin, and didn't retain their food. If you recollect that condition of things, please state what was the cause that produced that effect.

Gov. BUTLER. If you know.

Mr. BROWN. If you know.

The WITNESS. Where there is an inability to digest a certain kind of food, the person dies with the same symptoms as if they didn't have any food at all; like our prisoners at Andersonville. They had piles of a certain kind of crackers right at their side, while they practically died of starvation, because they had not the power, in their condition, to digest that kind of food.

Gov. BUTLER. And it would have been well to have changed the crackers.

Mr. BROWN. Yes.

The WITNESS. But when you say died of starvation you do not mean they died of inability to digest, but an insufficient supply of good nourishing food generally.

Q. Now, was there any insufficient supply at Tewksbury of nourishing food? A. Never, that I know of.

Q. And there was no economy? A. The idea of economy was not used to prevent their having what we thought would be useful for them, except in the matter of wet-nursing. We had no means to hire wet nurses.

Q. Had you ever had any experience in any other foundling institution, or in any other institution where foundlings were kept? A. I never — I have been in institutions where there were that same class of children, but I never classified them; put them by themselves, or tabulated them, so as to get results.

Q. (By Gov. BUTLER.) Do you mean to say you have been in charge? A. I have had charge of an institution where there were some foundlings. I have had medical care, but never what you understand by being technically in charge.

Q. (By Mr. BROWN.) And the results of those foundlings were reported with a great mass of other inmates, so that no experience did you ever derive upon the foundlings alone? A. No. I think that is one reason why the statistics which have been published at Tewksbury have been so startling to the medical profession, as well as to others; — because they are not accustomed to tabulating that class of cases by themselves.

Q. That is what I wanted to ask you. Do you know of any other institution in Massachusetts which is like Tewksbury in that particular, where the foundlings alone are reported by themselves? A. I do not.

Q. Do you know of any other institution anywhere in the country where the foundlings kept at the institution are those selected as the worst cases? A. I have recently seen a report in regard to a Chicago institution, where they have tabulated their foundling cases by themselves.

Q. Did that report appear to be a report of the worst cases, or was it —

Gov. BUTLER. I object to the contents of that report. They have been examining that institution, and investigating things there.

Mr. BROWN. I know they have. I shall not press it. What I had in mind I will put in in another way.

THE WITNESS. That is the only institution I have ever seen reported in in that way.

Q. Have you ever examined the reports of the St. Mary's institution here in Boston, in charge of the Sisters of Charity?

A. I have never seen one of their reports.

Q. Have you ever examined the reports of the institution known as the Gray Nuns, in Montreal? A. I have never seen one of them.

Q. Have you ever examined the reports of any institution in this country, kept by the Sisters of Charity; that is, a foundling institution, I mean? A. I was physician to a House of Providence, in Detroit, part of the time.

Gov. BUTLER. I didn't hear you.

THE WITNESS. There was a House of Providence, in Detroit, where I used to attend cases of labor occasionally.

Q. (By Mr. BROWN.) That was a lying-in house? A. But I never had any statistics from it. They had children there at that time.

Q. Foundling children? A. Yes; so I was informed.

Q. And it was a lying-in? A. Yes; but I never got any statistics from it.

Q. Now, let me ask you this question: In these institutions where there have been foundling children, did the children and their diseases present the same phases which you saw at Tewksbury?

Gov. BUTLER. I object. He has not been in any such institution where he had charge.

THE WITNESS. I had charge of that same kind of cases in a county institution at Detroit. They had the same class of cases, and I could recall a number of instances, when I first went to Tewksbury — I did recall a number of similar cases that I had in Detroit; but there was no tabulated statement made of them to get the rate of mortality.

Mr. BROWN. I don't ask you in regard to that.

Gov. BUTLER. There is not at Tewksbury.

Mr. BROWN. I don't care for any tabulated results.

Gov. BUTLER. You have been going upon the ground, and so has the Doctor, that there was a tabulated rate of mortality at Tewksbury of the foundlings.

Mr. BROWN. I don't so understand it.

Gov. BUTLER. There never has been; therefore it don't shock anybody — these tables, because there are no tables.

The WITNESS. Infants under one year of age not nursed were tabulated.

Gov. BUTLER. Yes, they are tabulated.

Mr. BROWN. What I wanted to ask was this —

Gov. BUTLER. And this would strike everybody; if they were dying at that rate, why on earth weren't they nursed?

The WITNESS. They are, now.

Q. (By Mr. BROWN.) Where are they nursed, now? A. Arrangements were finally made by which they could be put out into families and be wet-nursed, so I understand.

Gov. BUTLER. You are telling what you don't know, sir.

Q. Now, will you come back to my question, whether in these institutions where you have attended as a physician upon foundling children you have observed the same phases of disease which you saw at Tewksbury?

Gov. BUTLER. I object to that question, for the reason that it was probably unintentionally wrong. He never attended but one, and that only for a short time; therefore when you say these institutions you mislead him.

Mr. BROWN. No; I may be misled myself. I understood him to say that he attended in the House of Providence in Detroit, and that he also attended in the county hospital. Now, am I right, Doctor?

The WITNESS. Yes, sir.

Mr. BROWN. Then I was right, and you were wrong.

Gov. BUTLER. But the difficulty was that he was told by Dr. Sargent in Providence.

The WITNESS. You asked me if I attended a place where there were such cases. At the House of Providence I never saw — I never derived any experience in regard to that class of cases.

Q. Were you the physician who attended any of those cases in that House of Providence? A. I was substitute physician when I went there; consequently, I saw such cases.

Mr. BROWN. I don't care whether you were a substitute.

Gov. BUTLER. If you will allow him to finish you will get it all. He said he was a substitute physician, and consequently didn't have anything to do with them, I suppose.

Mr. BROWN. You supplied that.

Gov. BUTLER. I want to get it.

The WITNESS. My acquaintance there was so desultory in

its character that I could not make definite observation ; but I did at the county institution.

Q. Then, at the county institution, did you see among the foundling children the same phases of disease that you have since seen at Tewksbury? A. Among the infants not nursed I saw the same phases of disease.

Q. And have you seen the same phases of disease elsewhere among infants not nursed? A. Out of the institution I have seen the same, but less marked in character. I think that the fact of being in an institution, surrounded by other babies, is an unfortunate circumstance.

Q. Why? A. On account of the influence ; whether it is the air, or what it is, it is pretty hard to tell. It is the general experience of those who have the care of an institution.

Q. Well, is there anything in the matter of quiet? A. Well, there are a good many little points that may have something to do with it. Lack of individual care of one baby by one mother has something to do with it. And a lack of that constant observation which is given by one woman to one baby, and the lack of affection which the woman has for the baby which she nurses, whether her own or somebody's else.

Q. (By Gov. BUTLER.) That cannot operate where they don't nurse them? A. I say if she nurses the baby it increases that affection.

Q. By "not nursed" I suppose you mean not wet nursed? When you say "not nursed" in the tabulated statement you mean not wet nursed? A. Yes, sir. Fed on cow's milk.

Q. (By Mr. BROWN.) Anything else? A. When one baby dies then I have noticed a very marked change in the health of the others.

Q. Why? A. When one baby has the diarrhoea I have noticed a marked change in the stools of the other babies. Whether it is due to germs which are in the air or to the mere inhalation of an odor which is disagreeable to the child, it is hard to tell, without more knowledge than we have. Such, however, is undoubtedly the fact, that when a baby is sick it impairs the health of another, even though you separate the baby at once from the others.

Mr. BROWN. I don't think of anything more.

Gov. BUTLER. I suppose that owing to some engagement of the Senate members of the committee, we shall not sit on Thursday morning.

THE CHAIRMAN. The Senate have an engagement on Thursday morning.

GOV. BUTLER. I only wanted to have it understood so that there might be no trouble about bringing witnesses here only for to-morrow morning.

MR. BROWN. To-day is Tuesday.

GOV. BUTLER. You won't want many witnesses to-morrow. I have got a great many things to ask the doctor about. I only brought this to the attention of the committee so that everybody might remember it and govern themselves accordingly.

Adjourned to meet on Wednesday, June 13, at 9.30 A.M.

FORTY-SEVENTH HEARING.

WEDNESDAY, June 13.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

Mr. BROWN. There are one or two questions that I wanted to ask Dr. Lathrop, and I will ask him before you proceed, Governor — something I omitted yesterday.

TESTIMONY OF WILLIAM H. LATHROP (*resumed*).

Direct examination by Mr. Brown, continued.

Q. I meant to have asked you yesterday, but it escaped my attention, in regard to a woman by the name of Barron, spoken of by Mr. Dudley; will you state what the fact was with regard to her case? A. She was a demented woman.

Gov. BUTLER. Which woman was that?

Mr. BROWN. The one locked up in a cell.

Gov. BUTLER. You did ask him.

Mr. BROWN. I asked him about another case.

The WITNESS. She was a demented woman, middle aged, who had very little intelligence, and scarcely ever said anything more than a meaningless ejaculation; was filthy in her habits, and was kept in some place where she would be less offensive and annoying to other patients.

Q. Is she living now? A. As far as I know. She left our institution in good health.

Q. Where did she go to? A. I don't recall; I think to one of the other hospitals.

Q. Well, from the time when Mr. Dudley came to the institution up to the time when this woman left the institution, was there any marked change in her physical or mental condition? A. I don't think there was any more than those ups and downs of health which occur among ordinary people.

Q. Was she ever so thin as to be a mere skeleton? A. I don't think she ever was.

Q. Was she always in good flesh? A. As I recollect her.

Q. What was the habit in regard to the treatment of her room? How often was she cared for? A. That would be regulated entirely by its condition and her condition. It was expected that the attendants would keep a person free from odor and clean. That was the attendants' business.

Q. And you never had any reason to believe that that was not attended to, did you? A. I don't remember it was ever neglected in that case.

Q. Now, another question which I forgot yesterday, in regard to the lying-in hospital, in regard to mortality. Was there excessive mortality in the lying-in hospital during the period you were there? A. We never had any epidemic of puerperal fever. There have been occasional instances in the last three years. We have had a less mortality than the Boston lying-in hospital in proportion to the number of patients; and the deaths have been distributed through the year in such a way as to indicate no general contagion of one form or another.

Q. Was Dr. Nellie Marsh there at the institution at any time since you came there as physician? A. She terminated her connection as physician in 1876.

Q. Do you remember what part of the year 1876? A. I have not looked it up, but I think it was in the middle of the year, about July. I am quite sure it was about that time.

Q. Was she an efficient person in her position? A. I think she was.

Q. Did you ever have occasion, as physician in charge of the institution, to receive any complaint concerning her treatment of the inmates? A. I never did.

Gov. BUTLER. Did she leave before he came there?

Mr. BROWN. No. She left in 1876; he came in 1875.

The WITNESS. July, after the investigation, she left.

Q. Did you read the testimony of Mark Heathcote; I believe it was in regard to a baby that he took to Tewksbury from Salem? A. I did.

Q. Have you any knowledge in regard to any such thing as he describes having taken place with that baby, — that a bar of hard soap was put into its mouth? A. I cannot understand —

Gov. BUTLER. Pardon me; you are not asked what you don't

understand, because that would take a great while. Answer the question, if you know.

The WITNESS. I did not.

Gov. BUTLER. Then say so.

Q. You never heard of any such thing? A. No, sir; I never did.

Q. Do you know whether it has been customary to prepare a sort of a sop in a cloth there for babies in that institution; if so, what was it? A. We have never approved of anything of that kind, but sometimes they used them.

Q. (By Gov. BUTLER.) What? A. A little sugar in a cloth put into a baby's mouth.

Q. Oh, yes; a sugar teat? A. Yes, sir. We have never approved of that sort of thing; if it has ever been used, it has been used very rarely.

Q. (By Mr. BROWN.) But you never recommended a bar of hard soap, that you know of? A. No, sir.

Gov. BUTLER. We don't claim he did.

Mr. BROWN. That is all.

The CHAIRMAN. Governor, before you go on, I want to ask one question. I was not here all through the session yesterday.

Q. (By the CHAIRMAN.) One of the witnesses, I think it was Mr. Dudley, testified that when he went into the insane department he found the patients bare-footed, without shoes or stockings. Did you hear anything about that? A. If he found patients in that condition, it might have been due to the fact that their attendants, in their going out, didn't take so much notice of the patients as they should have done.

Q. On page 90, this question is asked: "What season of the year was this?" And the answer is: "This was in July. The most of them without shoes and stockings." A. It was the custom always to keep the shoes and stockings on them, but a great many of the patients liked to pull them off.

Gov. BUTLER. You were asked not what the custom was, but whether you knew a given fact.

The WITNESS. I have no reason to think there was any difference that time from any other time.

Q. (By the CHAIRMAN.) You were in charge? A. I was.

Q. Do you remember the case of a man coming there with delirium tremens, and dying in a few days? A. I do; yes, sir. I saw that case.

Q. What was that case? A. I don't know but you went into it yesterday.

Mr. BROWN. I did not.

The WITNESS. We had at that time some cells which were very soon afterwards removed, which we used for cases of that kind,—when I went there, and a short time after I was there. They were objectionable, because they were removed from the hospital and the nurses. But we used them for very violent cases of delirium tremens. That case was seen by me properly, as I have every reason to know. Of course, the night-watchman, not being awake, could not be likely to know what was going on in the daytime.

Q. Now, about the cholera there in 1875, Doctor? A. I went there in October, 1875. There was no cholera there when I was there.

Q. Ever been any cholera there since you have been there? A. No, sir.

Q. I think it was Eva Bowen who testified that fifteen died there in a week while she was there. A. She went away just about the time I went there.

The CHAIRMAN. That is all, Governor.

Cross-examination by Gov. Butler.

Q. Now, Doctor, we had better find out exactly what your rights or what your duties were there, if I can find the statute here. A. The statutes have been changed several times during the time I have been there.

Gov. BUTLER. There is one statute that has not, however.

Mr. BROWN. Are you looking for the Public Statutes.

Gov. BUTLER. I would like the Public Statutes if I can find them.

Q. What salary were you receiving? Where was the last place you were at before you came to Tewksbury? A. I was at the county almshouse and insane asylum in the vicinity of Detroit.

Q. How long had you been there? A. Between two and three years.

Q. What salary were you receiving? A. I received \$900; but I was not obliged to live there.

Q. You were not obliged to live there? A. No, sir; I had the privilege of private practice.

Q. That is why you worked so cheap? A. I was only

obliged to go there two or three hours a day ; the rest of my time was at my own disposal.

Q. What salary did you get when you came to Tewksbury?

A. \$1,500.

Q. Has that ever been increased? A. Never been changed.

Q. And your living at Tewksbury? A. Yes, sir.

Q. Horse kept for you? A. No, sir.

Q. Never? A. Never.

Q. Do you use a horse? A. I never use one except when I hire one, and on Sundays to go to church I used the institution horse ; that is all — occasionally.

Q. Had any private practice while at the institution? A. I have had a little ; not much.

Q. Do all that you had to do? A. What did you say, sir?

Q. Do all that you had to do? A. Did I do all that I was asked to do by the people in the vicinity?

Q. Yes. A. No, sir.

Q. Whom did you turn away? A. Well, I told people that I could not attend cases. There was a case of fever.

Q. Well, who? Let us see who you told. Instead of saying “people” say somebody. A. Yes, sir. I don’t remember the name of the girl ; she was a relative of the Chandler family. Dr. Bartlett of Lowell attended the case, I think. There was a case in the village that Dr. Irish attended.

Q. I have no doubt there were plenty of doctors who attended cases. I want to know if you will swear that you told them you would not come when they wanted you ; — unless they died on your hands. They didn’t die on your hands, because you didn’t do anything for them. A. I don’t remember the name of that girl. It is several years since I have had any practice to amount to anything, in the vicinity of the institution.

Q. Did you ever make application to the institution for a horse? A. I asked the trustees for the privilege of keeping a horse at the institution.

Q. Was that granted or refused? A. It was refused.

Q. Hadn’t you had one before? A. I had not.

Q. Very well. Now, Doctor, there was an investigation in 1876, and the committee reported that they didn’t think the resident physician had sufficient power ; and you so testified before the committee, didn’t you? A. I don’t remember that part of it.

Q. Well, you were before the committee; were you? A. I was. I have no recollection of there being much testimony. I don't remember what I was there for.

Q. You were before them? A. I think I was. I would not be sure about that.

Q. I observe you have used the words "I don't remember" quite a number of times. Haven't you good memory enough to know whether you were before the board of investigation? A. I was present at the hearing, and I believe I testified.

Q. Don't you know whether you did or not? A. I don't remember any of the peculiarities of the testimony, or anything that I said.

Q. Leave out the peculiarities. Don't you remember whether you testified? A. If any one should tell me that I did, I should not be able to deny it.

Q. Now, Doctor, after you were there, and after the testimony was given, was not this statute passed? [Reading.]

"The trustees shall annually elect a resident physician, competent to take charge of insane inmates, and, subject to the approval of the governor and council, fix his compensation, and such physician shall have the right to reside with his family at the almshouse."

"The resident physician shall immediately appoint suitable persons to be his assistants, &c."

"The resident physician shall have entire charge of and be responsible for the medical treatment of the inmates of the hospital at the almshouse; shall appoint and remove the nurses of the hospital, and shall fix their several salaries, subject to the approval of the inspectors; shall regulate and control the dietary of the hospital and shall supervise the preparation of the food for this department; and shall from time to time make requisitions upon the superintendent for such food, medicines, and necessaries (other than the ordinary almshouse supplies) as in his judgment the requirements of a well-ordered hospital demand."

Now, that was your duty. Did you ever make such a requisition while you were there? A. Once a week.

Q. What? A. Once a week.

Q. Made three. In writing? A. Once a week.

Q. Once a week? A. That was my custom; yes, sir. I very seldom omitted.

Q. You were accustomed to make once a week a requisition. Were they always filled? A. The requisitions for medicines were always filled; those for food were not always filled.

Q. Did you make any complaint^x to the trustees that your requisitions for food were not filled? A. When I made complaint I made complaint first to the superintendent.

Q. Why complain to him when you made the requisition upon him? You hadn't anything to do in the way of complaining to him; all you had to do was to make requisition for what you wanted? A. When those didn't come, by repeating my request he usually furnished what I wanted.

Q. If they didn't come, by repeating your request he usually furnished what you wanted. Did you ever make complaint to the trustees that your requisitions were not filled? A. We often discussed the matters of the hospital, but I don't remember any formal complaint.

Q. Whether you discussed them, I have not asked. A. I don't remember any such complaint.

Q. Very well. Then if there was not sufficient nursing, that is your fault, because you could have them on requisition; the law had put that into your hand. If there was not sufficient food, you could have had it, because the law puts that into your hand. And if the food was not properly cooked, you could have had it; the law put that into your hand. If there were not sufficient instruments for such a hospital, you could have had it, for the law put that into your hand. Now, you come here and say that there was not an instrument there, and so you sent to the steam engineer's department for a file and a screw-driver. Why didn't you make a requisition for them, if you knew they were not there, and are not there even to this day? A. What are not there, sir?

Q. Those instruments you wanted. A. The instruments which I thought were indispensable were not there.

Q. I know; this instrument you undertook to substitute something for is there. It was made by the trustees — it was ordered by the trustees soon after this delivery, was it not? A. It was on my requisition.

Q. In writing? Was it not upon the complaint of Dr. West? A. I don't think Dr. West had anything to do with it.

Q. Didn't he state the case? A. I don't think he did. I don't remember that he had anything to do with it.

Q. I know — a bad memory? A. I know I asked them for that instrument and selected it myself.

Q. Did you solicit any other instrument? A. I selected the instrument.

Q. I know. Did you make requisition for any other instrument? A. I have made requisitions for instruments very often.

Q. Have they ever been filled? A. They have, sir.

Q. Well, then, as all the requisitions that you have made have always been filled, for instruments, why did you come in here with a long, prepared list of those that ought to be there, in a well-ordered hospital, and are not there? A. I didn't say that they ought to be there.

Q. What did you mean when you handed me that list yesterday? A. I was asked what instruments, if we could have everything we wanted without regard to the economies of the place.

Q. No, sir; I didn't hear any such question as that. A. That is what I understood.

Q. Did you prepare that list of instruments before you came here? A. I did.

Q. Had you been asked to do so before? A. I had.

Q. When; last Sunday? A. Not Sunday; no, sir.

Q. When was it? A. I presume it was a week before, or some such time.

Q. A week before? Before when? A. Before yesterday.

Q. Didn't you have a conversation the day before with Mr. Brown upon the subject? A. Of the instruments?

Q. Yes, sir. A. I don't remember that I did; no, sir.

Q. Can you say you didn't? A. I don't think I saw him at all the day before.

Q. Did you see him within two days before? A. I think it was several days before. I know — I could recall it after a little while.

Q. I wish you would try to recollect. I will give you all the time you want. Whether you saw him before last Sunday? A. I am very sure I didn't see him last Sunday.

Q. Entirely sure? A. I haven't the faintest recollection of it.

Q. Well, now, Doctor, then if this whole amount of instruments would not have come, if you had had everything, to only \$300, it probably would not have bankrupted the State; and if there are any instruments not there, you are responsible for their not being there, are you not? A. I am.

Q. Very well; that leaves that. Now, before I go to the general matters of the testimony you have given, I want to ask

you some questions about another matter. You know Mr. Bean, don't you? A. I do.

Q. How long has he been there? A. I don't remember the date.

Q. He is a barber by trade, isn't he? A. I think he told me he had been engaged in that business. He had been an attendant at the Taunton hospital.

Q. I am not upon the question of where he had been an attendant. Answer my question and you will get along a great deal easier, and we shall get along a great deal faster, if you answer what you are asked; was he a barber by trade, as you understood? A. I have been informed that he had been in that business.

Q. And he did cut the hair off of the incurable insane patients, didn't he? A. I never saw him do it. I suppose if it needed to be done in his department he did it.

Q. Had he charge of them? A. He had: some of them.

Q. Don't you know? On your oath don't you know that he cut the hair off of the incurable female insane? A. Of course he did. It was his duty to do so.

Q. All of them? A. Not all of them.

Q. All that had long hair? A. It would depend on the case.

Q. Now, don't you know that he made this up into frizzettes and things for sale? A. I never heard of such a thing, sir.

Q. You never heard? A. No, sir; I never did. I never heard the accusation made.

Q. Didn't he take them to Lowell for sale? A. I never heard of such a thing.

Q. Well, pretty much all of them cut off—the hair? A. I don't know how many. I never counted them.

Q. Perhaps I could find out. You never counted them. Then he cut off what he pleased, because you didn't give any directions? A. It was no part of my duty.

Q. Pardon me. Here was an insane woman. The question whether she should lose the ornament of her sex from her head was a matter which would concern everybody, was it not? A. The ordinary care of the cases, cleanliness and such matters, is hardly a part of the medical care.

Q. The ordinary part of cleanliness is not a part of the medical care. Very good; I am content to take it at that. If the ordinary cleanliness of your insane patients is not medical

care,— there is the statute that gives you the entire charge of the hospital department,— whose care was it? A. He is under the superintendent's department.

Q. Was he in the superintendent's department? A. Yes, sir. He is appointed by the superintendent.

Q. How was that? Was he a nurse there? A. We didn't consider him a nurse.

Q. What did you consider him? A. An attendant at the insane asylum.

Q. Did he have charge of the nursing at all? A. No, sir.

Q. He had charge of the patients? A. When they were well. When they were sick they were transferred to the hospital department.

Q. But the insane department is properly a hospital department, is it not? A. We didn't consider it so at Tewksbury.

Q. Didn't consider the insane department a part of the hospital department? A. We separated the two departments.

Q. Then you had no charge of the insane as physician? A. I had charge of the whole institution as physician.

Q. As a physician you had no charge of the insane except when they might be sick, as you had charge of the able-bodied paupers when they came to be sick; is that it? A. As physician it was my duty to study their mental peculiarities, and to observe their health, and to observe them more than I would those that were not insane.

Q. Now, do you mean to tell me, Doctor, — for I want you to do it under full responsibility, — that, as you understand it, you had no care of the cleanliness of the insane people that were not sick in the hospital? A. The way I understand it is this —

Q. Do you understand that? Answer my question. A. It is impossible to separate entirely, to draw a definite line between the duties of the superintendent and the physician.

Q. Pardon me; the statute does draw very distinctly the line. In the first place, it requires that you shall be competent to take charge of insane people, and then it makes you responsible for all their treatment, doesn't it? A. The insane were not under treatment for mental disease; they were incurables.

Q. While there is life there is hope, I hope. A. We kept them well.

Q. Then there was no occasion for cutting their hair, was there? A. There is, for comfort and cleanliness. In patients that are unable to care for their own hair, and have not sufficient regard for their habits to keep themselves clean and comfortable, it is a great deal better to cut the hair off.

Q. Precisely. Who judges of that, if the physician don't?

A. That part belongs to the care of the patients; I have never interfered with it.

Q. I know you haven't interfered, and one of my complaints is that nobody did so. Whose business was it to do it? A. I should say that belonged to the ordinary care of the insane insane. It belonged to the superintendent.

Q. Who was responsible for the propriety of the ordinary care of the insane inmates? A. I should say that belonged to the superintendent's department.

Q. Then you were not responsible for the ordinary care of the insane? Unless they are sick you don't consider yourself responsible, and, of course, don't do anything about it. A. The same as the ordinary inmates, I think; the hygiene and general condition of the institution.

Q. The hygiene and general condition. Those are the words. Did you, or did you not, consider yourself, — and I don't care a copper which way you put it, — did you, or did you not, consider yourself responsible for the treatment, the physical and mental condition of the insane persons in that establishment? If you say you did not, I am content; if you say you did, I want to ask something else. A. It is not a question that can be answered yes or no. I was, to some extent, responsible, and the superintendent was, to some extent, responsible.

Q. Let us see about this divided responsibility; you can say yes or no when I ask you whether you consider yourself responsible. Won't you read that question, Mr. Reporter? [The reporter read the previous question.]

Gov. BUTLER. What you yourself consider.

The WITNESS. When you use the word responsible —

Gov. BUTLER. Everybody knows what that means, I suppose.

The WITNESS. Not absolutely responsible; but I consider it my duty —

Q. Well, sir, do you, or do you not, consider yourself responsible? Answer that one way or the other. A. I have already answered it.

Q. No, sir; you have not. I want an answer. A. I considered that I had responsibility, of course.

Q. You said you had responsibility, but the difficulty is we don't know what responsibility. Answer my question — A. I have said —

Q. Did you, or did you not, consider yourself responsible for the treatment — the physical and the mental condition — of the insane patients in that establishment? A. I should answer it the same as I did before.

Q. I don't care about your before; answer it now; yes or no.

Mr. BROWN He has said he cannot answer it yes or no.

Gov. BUTLER. Pardon me; he can answer it yes or no. It is what he, in his own mind, considers.

The WITNESS. That is just what I answered,— that the responsibility of the care of the insane was for their ordinary care, to supply the ordinary materials for their comfort and pleasure.

Q. Cleanliness? A. Their cleanliness, their food,—their ordinary food, and such things as are ordinarily furnished, belonged to the superintendent; he had all the funds of the institution at his disposal, and he could give, or refrain from giving, according to his judgment.

Q. If anybody was responsible you were not? A. I was responsible for the careful supervision of the insane, noting their peculiarities, and looking after their health.

Q. He was responsible, because he carried all the funds for that purpose. Let us see if he did. I thought you had them? A. I had no funds.

Q. Pardon me. Let us see. [Reading.] “He shall be responsible for the medical treatment of the inmates of the hospital at the almshouse; shall appoint and remove the nurses of the hospital, and shall fix their several salaries, subject to the approval of the inspectors; shall regulate and control the dietary of the hospital, and shall supervise the preparation of the food for this department; and shall from time to time make requisitions upon the superintendent for such food, medicines and necessities (other than the ordinary almshouse supplies) as in his judgment the requirements of a well-ordered hospital demand.” Therefore, you had command of the whole institution for the purposes of the hospital? A. A certain appropriation was given, and the superintendent had a certain portion of it, which he, in his judgment, thought

could be appropriated for hospital and asylum uses, and keep within the limits of his appropriation.

Q. But you had nothing to do with the limits of the appropriation at all. You could make requisitions, and if he could not fill them, that was between him and somebody else. Now, then, you don't know whether these peoples' hair — because it was not your business to know — was cut off or not? A. I know that some of them had their hair cut.

Q. And you don't know how many? A. I never did.

Q. Never counted them? A. Never did.

MR. BROWN. Does the statute require him to count them?

GOV. BUTLER. I don't think that question is worth while answering. If a man is put there, responsible for the treatment of the patients, I suppose he is to find how many have their hair cut off, and to know whether it is necessary that A or B should be stripped of her hair to be sold for a wig for somebody, or not.

MR. BROWN. If you will just let me know whose signature is attached to that letter, I will show that it is false.

GOV. BUTLER. How do you know it is a letter?

MR. BROWN. I don't.

GOV. BUTLER. Very well; why call it so?

MR. BROWN. Because I had my impression about it.

GOV. BUTLER. Where did you get it?

THE CHAIRMAN. Let us confine ourselves to the examination of the witness.

GOV. BUTLER. I will, until a man undertakes to talk to me about my brief. I have no doubt somebody from Tewksbury would be found to swear the legs off of a brass pot. But I can show how this thing is, all in good time.

Q. Mrs. Bean was his wife, wasn't she? A. Yes, sir.

Q. Do you know whether the husband used to carry breakfast up to Mrs. Bean? Was she a nurse or an attendant? A. She was classed as an attendant upon the insane.

Q. Did the insane have any nurses? A. When they were sick they went to the hospital, and were there treated by the hospital nurses.

Q. Leave out that when they were sick they were sent to the hospital. Did the insane have any nurses? A. No persons in the asylum building were classed as nurses.

Q. What do you mean by asylum? Now, stick to the hos-

pital, the insane hospital. A. I mean the building where the healthy insane are kept.

Q. Well, all the insane were kept in one place until they got sick, and when sick they went to the hospital to be treated for other diseases than insanity. They were not sent to the hospital to be treated for insanity alone, I take it; but it must be for some other disease, as fever? A. Certainly, when their physical health was impaired; not always any special disease; sometimes want of appetite.

Q. Well, that may be a disease, or the effect of a disease? A. It is due to some disease.

Q. Now, then, all the insane were kept in one building, except when they were sent to the hospital for some other kind of disease, and then they were sent to the general hospital. Now, when in the insane hospital, was there a nurse there? Answer that question, and nothing else. A. All the paid help there were called supervisors or attendants.

Q. I don't care what they were called. Calling a cow's tail a leg don't make it a leg. This is it: Were there any nurses there — persons that did nursing? A. Occasionally a person would be sick there; almost always there is —

Q. Now, how often in that department, in that insane hospital—how often did you visit it, on your oath? A. I visited it generally every day.

Q. Generally every day. Were there not weeks together when you were not there? A. I don't believe that ever occurred, unless some physician attended, or I was away from town.

Q. You had nothing to do with that part of it — the well insane — why should some other physician attend to it? A. Why should any physician visit the asylum?

Q. Not by a great deal! I am not talking about the asylum; I am talking about the hospital for the insane. If you had nothing to do with the hospital and the well insane, and were not responsible, it was a matter for the supervisors and the superintendent. Why should any other physician visit it any more than you? A. I considered it a part of my duty to look after the insane, and see that they were properly cared for.

Q. But I understood just now that it was not? A. I said I was responsible.

Q. For what? A. For the medical supervision.

Q. Well, these people don't want any medicine? A. That includes something more than medicine.

Q. Then you were responsible for the condition of filth, were you not? I am content to take it that way if you want it so? A. I always noted those cases and told the attendants.

Q. Now, did you ever appoint a nurse there in your life, anywhere in that establishment; if so, whom? A. I followed the law.

Q. I don't ask whether you followed the law or did not; I am asking the fact. Did you ever appoint a nurse, and who was it? A. After the law of 1879 —

Q. I don't care whether the law or the gospel had to do with it. Answer my question, my man. Did you ever appoint a nurse, and who was he or she? A. I appointed all of them when the law was such —

Q. Pardon me; tell me one that you appointed? A. I appointed Miss McKinnon, who has just resigned.

Q. When was that? A. August, 1876.

Q. You appointed Miss McKinnon, did you? A. I did.

Q. Tell me another. She has got an appointment under your hand? A. She received it then under my hand.

Q. Tell me another. A. I appointed them all right along.

Q. Tell me another person that has got an appointment under your hand? A. Until 1879, when the appointment was changed — between 1876 and 1879; after that the appointment was changed; the law changed it and gave it to the superintendent.

Q. Did it; in 1879? A. Yes, sir; the law establishing the board of health, lunacy and charity.

Q. Gave it to the superintendent, did it? A. Yes, sir; that is the way I have always considered it. Of course I am not a lawyer.

Q. You are now saying you are not a lawyer, and yet you say you always followed the law. Don't you know it has never been changed and that it is the law now? A. It was changed when that book [the Public Statutes] was published.

Gov. BUTLER. Pardon me; this book is simply a compilation of the laws. The act establishing the board of health, lunacy and charity has nothing to do with it; not at all.

The WITNESS. [Referring to the Blue Book of 1879.] Will you allow me, sir?

Gov. BUTLER. Certainly. Because — don't you see here? —

you quit doing it in 1879. The law was explicit. This is a revision of the statute of 1879. [The Public Statutes.] This was a power the law gave you, by the statute of 1879. Not the statute in regard to the board of health, lunacy and charity, but the statute in regard to the Tewksbury almshouse. It provides that the resident physician shall have entire charge and shall appoint or remove nurses and shall fix their salaries. That has been the law since 1879.

The WITNESS. If you will allow me, it says here [the Blue Book of 1879]: "All acts and parts of acts inconsistent herewith are hereby repealed." Then above it says: —

"The superintendents and physicians of all the State institutions herein named, except the lunatic hospitals, shall be elected annually and their compensation fixed by the board of trustees having charge of each institution respectively, said compensation having first been approved by the governor and council; and the other officers shall be hereafter appointed and their compensation fixed by the superintendents, with the approval of the trustees."

That is the law under which I acted.

Gov. BUTLER. Undoubtedly that is the law about the salaries and the other matter. Now, let us see. In 1876 the law stood in precisely the same way, and it is so put in here; so it was not repealed.

Q. Was that law considered repealed up at Tewksbury? Did you commence to act upon that idea? A. "Other officers" —

Q. Leave out other officers; stick to the nurses, my man? A. That is what I understood, that other "officers" included nurses.

Q. You understood that a nurse was an officer, so you didn't appoint any nurses? A. I did understand that was what was meant.

Q. And, therefore, since 1879 you have never appointed a nurse? A. No, sir.

Q. What? A. No, sir; until since this book [Public Statutes] has been issued.

Q. Well, who have you appointed since this book has been issued? A. I have appointed those who are there now on the men's side and one on the women's side.

Q. One on the men's side? A. Three on the men's side,

Smith has been there a good while. Their names are Collins, Howard, Babcock —

Q. Smith didn't need any appointment. Whom else have you appointed? A. Collins, Howard, Babcock and Miss Lane.

Q. Those are the ones that are there now. What Howard is this; French Joe? A. No, sir; his name is —

Q. When were they appointed? A. They have been appointed this summer.

Q. Within how long or short a time? A. Well, within a month.

Q. Oh, yes; you appointed them within a month. And all those that you talk about you have appointed within a month?

A. I have appointed those four within a month.

Q. Those have all of them been appointed within a month? A. Yes, sir.

Q. Then, from 1879 until within a month you have not appointed any nurses? A. No, sir; I didn't know that I could.

Q. Did you ask anybody? A. No, sir; I didn't know there was any law passed.

Q. Well, but there was a law which put it directly into your hands? A. But that law I understood to be repealed by the statute of 1879.

Q. Who told you so? A. It was under discussion in the institution with the trustees.

Q. What trustees? A. Our own board of trustees.

Q. What? A. Our board of trustees.

Q. And they insisted that the superintendent should have the appointment of all the nurses, did they? A. They construed the law in that way.

Q. And they didn't allow you to appoint them? A. It was decided in that way and I followed the law.

Q. Now, were not these called supervisors and attendants, when they were appointed, expressly to avoid the law — that is, in the insane hospital — so as to take the appointment out of your hands? A. I never understood it in that light.

Q. Well, all of them were taken out of your hands, and they were all attendants and supervisors? A. Yes, sir.

Q. So that you didn't have any nurses in the —? A. In the asylum.

Q. In the insane hospital. A. We call it asylum; that is the technical name for it.

Q. Why say asylum? A. That is the word we use to distinguish it from the general hospital department.

Q. An insane asylum. It is an insane hospital, I suppose, but not so large as the Worcester insane asylum or the insane hospital at Danvers? A. There was a distinction made in the naming of these buildings, that the asylum for chronic insane at Worcester and the one at Tewksbury should mean a place for incurables; while the word hospital should be applied to the institutions for curable cases. It is merely a fanciful distinction.

Q. Then you never had a curable case of insanity in Tewksbury? A. The cases were all supposed to be —

Q. Pardon me. Did you ever have a curable case at Tewksbury? A. I don't think any case is absolutely hopeless.

Q. Then they all ought to be in the hospital if they are not hopeless? A. It is a question of judgment whether they are likely to get well.

Q. And this Mrs. Bean and this Mr. Bean were some of the attendants, were they? A. Yes, sir; he was called supervisor.

Q. Well, we will go on. Did you ever know whether this Mrs. Bean had her food carried to her in bed when she was well? A. I never did, sir.

Q. Did you ever know that Capt. Marsh had refused to pay her on account of neglectfulness? A. No, sir; I never heard of that.

Q. Never heard of that? A. No, sir.

Q. Did she ever complain to her husband of the inmates' insolence to her? A. Well, if she complained to her husband, I don't know.

Q. And then he came to you? A. I don't recall any such case, sir.

Q. Now, did Capt. Marsh ever fill a requisition for you for any things but medicines; if so, tell me what? A. The requisitions which I have been in the habit of sending in once a week included articles such as flaxseed for poultices —

Q. Such as what? A. Flaxseed meal for poultices, and different dietary articles for the children; and I remember eye shades, for instance. That is a small item, but I recollect it.

Gov. BUTLER. I am glad to see your memory so accurate about little things that you want to speak about.

The WITNESS. Similar things of that kind ; little appliances that we needed — trusses.

Q. Something that was in the nature of medical supplies?

A. Medical supplies ; yes, sir.

Q. Did you ever make a requisition in your life, except for medical supplies? A. Yes, sir.

Q. What was it? A. I made requisition for a new building for the women's hospital.

Q. Did you make requisition on the superintendent for that?

A. I made that recommendation to the trustees.

Q. Why do you attempt to evade and dodge, sir? A. I do not attempt to evade.

Q. You know what I mean when I ask you if you have made a requisition on the superintendent ; and then you tell me that you made a recommendation to the trustees for a new hospital building? A. Well, I thought that —

Q. I ask you again did you ever make a requisition upon the superintendent for anything but medical supplies — medical or surgical supplies? A. I made requisition for rocking-chairs.

Q. Did you get them? A. I did get some.

Q. Got one? A. Got half a dozen.

Q. Got what? A. Half a dozen chairs.

Q. Anything else? A. I remember asking him once for —

Q. I don't care what you asked him — A. This was a requisition put on paper in writing.

Q. Signed by you, I take it? A. Yes, sir.

Q. Well, what else did you put on paper a requisition for?

A. I was going to speak of sick-chairs, those which are used especially by the sick.

Q. Sick-chairs. What else? A. Shirts, and such things as that.

Q. Chess? A. Shirts — clothing.

Q. Clothing. — shirts? A. And all such things as that, which come under the head of ordinary supplies.

Q. The ordinary supplies you were not to make requisition for by statute? A. But when they were not furnished in sufficient abundance I spoke about them.

Q. How often did you do that? A. As circumstances called.

Q. I know ; but how often did circumstances call? I want to see how often you did it? A. Well, the circumstances

called me to make frequent calls to him for small things, from time to time.

Q. Small things in clothing? A. Sometimes it would be clothing, furnishing; sometimes repairs, carpenter work, etc.; different things that would be needed in the hospital.

Q. Frequently for clothing? A. I don't remember how frequently, but quite frequently; clothing for children occasionally. I would be better informed about those things, and tell him about them.

Q. I don't ask you about your information, sir? A. I cannot remember how often.

Q. Bed clothing? A. They would come along from time to time in driblets, you might say, these little requisitions and calls that I would make upon him.

Q. Then, from time to time, you were short of clothing, and short of children's clothing, and short of all these articles? A. The supplies would get low, and I would call his attention to it.

Q. Whom did he give the supplies to — French Joe? A. Well, he had care of some of the supplies. Some would be sent directly to the hospital, if they would be especially for the hospital.

Q. I understand. I suppose medicines, and chairs, and such things as that. Now, did you make requisition upon Rust Brothers, in Boston, for drugs? A. I never specified the place at which they were to be bought.

Q. Were they bought there? A. As a matter of fact, they were; yes, sir.

Q. Now, sir, when did you first hear that Charles Marsh had a sore thumb, or a sore finger, so he could not keep his books? You are the head physician there, and if he had a sore thumb, or a sore finger, he ought to have told you about it, if it disabled him from doing his duty? A. I don't think I ever treated him for it, but I remember of his speaking about it, perhaps a year ago.

Q. A year ago? A. I should think so.

Q. A year ago. Haven't you said you never heard of it until this investigation? A. I could not have said that, sir; I could not have said that. I have heard him speak of having a finger that was impaired in its utility, as he supposed, by constant practice.

Q. Did you, or any other physician, treat that finger? A. I don't know of its being treated; I didn't treat it.

Q. You didn't treat it, and you are the head physician. Did he ever make any complaint to you about it? A. In the way I spoke of it. In writing at the table, he made the remark that his finger didn't seem to have its accustomed strength.

Q. Was that all that was said about it? A. That is all he said to me.

Q. He didn't ask any advice about it? A. No, sir.

Q. And he was writing at the table at the time. Now, then, will you tell me this: Charles Marsh lived outside, didn't he? A. He lived in Mr. Cocker's house, just across the line of the farm; yes, sir.

Q. Well, that was outside? A. Yes, sir.

Q. Did you know of provisions being sent to his house? A. I have known of his sometimes taking a little from the table, and carrying it down himself. I don't know of anybody's ever taking any down there.

Q. He took provisions from the table? A. I suppose something that he thought would be agreeable to his wife; he would take it and carry it away.

Q. Butter? A. No, sir; I never saw him take anything only cooked articles which had been taken out for the family.

Q. Were there any carried to his house or any other? A. I don't know anything about any things that might have been taken down. I have seen things taken down, but I don't know anything about what they were.

Q. Who took them? A. I don't know; the inmates, I suppose.

Q. Frequently? A. Two or three times I have seen them carrying a package.

Q. In what sort of a package? A. I don't know any invariable rule about it; perhaps a basket, as near as I can recollect.

Q. Didn't you look to say what they were? A. No, sir; I never was near enough to notice. I have seen them going down the road, but I never was near enough to take especial notice about it. I have just seen them passing, going down the road to his house. Two or three times I have seen that.

Q. Not more than two or three times? A. That is all, sir.

Q. Well, they didn't let you know much about what was going on. They kept it in the family, didn't they? A. I think they kept their own counsels as far as I was concerned.

Q. As far as you were concerned. There was not the most free communication between you and them? A. Our relations have always been cordial, but I could not say there was any intimacy in family matters between us.

Q. Well, didn't they keep their matters to themselves very much as far as you were concerned? A. I should say they did, their family matters; yes, sir.

Q. And all matters? A. And matters of business too, to a great extent.

Q. Did you have any key to the safe? A. No, sir; I never had any key to it.

Q. Did the members of the family have keys to it? A. They did; yes, sir.

Q. Who? A. Mr. Marsh, senior,—the Captain, as we called him,—Mr. Thomas Marsh, and Charles.

Q. You never had one? A. No, sir.

Q. Did you discharge any nurses or attendants employed? A. When I understood that to be the law I carefully observed it in that respect. Yes, sir; I did.

Q. I now leave the law out, because you evidently didn't know much about that. I only ask you the fact? A. I did, sir.

Q. You discharged John Crockett, didn't you? A. I told him I supposed—

Q. Did you or did you not discharge him? Why can't I get a direct answer to something? A. Practically, I did.

Q. And you discharged Miss Clary about the same time? A. Yes, sir.

Q. And your accusation against them was fornication, was it not? A. I didn't make any accusation.

Q. Pardon me; was that the cause in your own mind? A. It was improper intimacy.

Gov. BUTLER. That is a euphemistic term. I used good Bible English.

Q. Do you know anything about what was done with the babies after they were taken into the hospital, of your own knowledge? A. I have often been there and seen them taken in and bathed and clothed and put to bed.

Q. Was that part of your duty? A. It was part of my duty to know about it; yes, sir; not to observe, of course, every individual case; I could not do that.

Q. Now, do you know what became of the babies after they

went out of the hospital? A. They were carried to the dead-house; and they had funeral services said over the remains, of late years.

Q. How many? A. Since that custom was instituted.

Q. Since that custom was instituted? A. Yes, sir.

Q. When was that custom instituted, to say services over the babies? A. As near as I can recollect it has been within two or three years; I cannot say.

Q. That is, since those who are born there have been taken away? A. When we had foundlings I know that question came up whether they should be handed over to Father Gigault, and he did say services over some foundlings. I remember that question.

Q. Were they turned over to anybody else except to Father Gigault? A. I don't think the Protestant clergymen ever said services over them. Where there was a body of an infant we always handed it over to Father Gigault.

Q. No children except those supposed to be Catholic children came to Father Guiteau? A. Father Gigault.

Q. Father Gigault. A. We presumed them to be that way.

Q. That was so, was it not? A. Yes, sir.

Q. What became of the others? A. Rev. Mr. French was pastor of the village church in Tewksbury for awhile, and he came down to have services over the others.

Q. When was that? A. That was at the same time; it was part of the same system.

Q. That is since about 1880? A. I forget the year.

Q. Now, what was done with them after the services were said? A. They were taken from the chapel to the dead-house; further than that I don't know.

Q. Then this was the way of the services: the Father came there and said the service over an infant, and it was taken back to the dead-house. The services were always said in the chapel, I understand? A. Yes, sir.

Q. He said the service over an infant, and it was taken back to the dead-house? A. Yes, sir.

Q. What became of it after that, you don't know? A. No, sir. Sometimes, when I have specially requested an autopsy, I have made one; and then, of course, I didn't know any more about it, unless I happened to know about the friends coming after the body.

Q. Except in cases where you made an autopsy after the funeral, or in some special case where friends came for it, what was done with all those babies' bodies, you don't know? A. I don't know, sir.

Q. Were there two rooms in the dead-house? A. Yes, sir.

Q. And an outer room? A. Yes, sir.

Q. Who had the key to it? A. When I have known about the keys they have either been in the pocket of the man who had care of these things, or hanging up on a nail in the gate-room.

Q. Did you ever have any key to that? A. No, sir.

Q. What was this inner room for? A. When I have been in there I have usually found it empty; sometimes I have found remains in there,—rarely.

Q. What do you mean by remains? A. A body that may have been put in there to await the arrival of some friends, if I remember rightly, in this case.

Q. How many times have you been in there? A. Perhaps half a dozen times a year.

Q. And perhaps less? A. It might have been more or less; I could not say.

Q. Now, did you know that bodies were being taken away and carried to Harvard College? A. I understood that they were; yes, sir.

Q. Didn't you know it as well as you know anything? A. I know it; yes, sir.

Q. By Manning? A. I know it by letters from the demonstrator.

Q. You knew it by Manning? A. I never heard Manning say anything about it. I never had any knowledge from him about it.

Q. Now, whenever you wanted an autopsy, or very frequently when you wanted an autopsy, didn't you send down to Harvard to have it made—to have them give you information? A. I had that done a number of times; yes, sir.

Q. That you have had done a number of times. That is to say, a man died at your place and then you wanted to know what he died of, and you would send down to Harvard to find out. When they cut him up they would find out? A. Yes, sir.

Q. And that was common. And that had been the practice

within a few years? A. When you say "common" I should say not more than twice in a year.

Q. But it went along, whenever you wanted it, twice a year? A. That is so; and the same has been done in the other medical institution.

Q. And the same has been done in the other colleges of this country. Now, then, you knew that a certain man was going down there to be cut up. When you wanted an autopsy, was it always a Protestant, or sometimes a Catholic? A. I didn't know them by that designation.

Q. You didn't? A. I didn't pay any attention to that.

Q. You didn't pay any attention to this religious part of it. You knew that the bodies of Catholics as well as Protestants, and Protestants as well as Catholics, and without any difference except that they didn't have friends to call for them, were sent down there? A. That part of it I never knew anything about and never thought anything about.

Q. They were sent down indiscriminately? A. I should think they were.

Q. Very well; but over all the Catholics poor Father Gigault has been making his prayers and saying masses for their souls, hasn't he? A. Protestants, too, just the same, till recently.

Q. What? A. The Protestants have had their service just as much as the Catholics have till recently.

Q. I am glad to hear they were no respecters of persons. Then all of them had funeral services, and then were sent to be cut up, as a rule, weren't they? That was so, wasn't it? A. I don't know anything to the contrary.

Q. You don't know anything to the contrary; and they were all prayed over that died? A. Yes, sir.

Q. Regular funeral service? A. Yes, sir.

Q. And then sent and cut up and their remains fed to the fishes if that was convenient, or put into a box and stowed away all together with whoever else was there, after going through pails. How many years has that performance been going on at Tewksbury? A. How many years has the religious service been held?

Q. Yes. A. Well, we were talking about that; I think I said two or three years.

Q. Oh, more than that; Father Gigault went back to 1879 and got his book. A. That is the time, then.

Q. That is five years. A. Four.

Q. Four and over. A. I didn't recollect about that.

Q. Before that time they didn't have any? A. Didn't have religious service.

Q. Before that time, — that goes back, now, to 1876, — now, I want to get that: before that time they didn't go through the mockery of the ceremony; they carted them off and cut them up without that performance before? A. They didn't have any service.

Q. Didn't have any service? A. Not that I know anything of. There was once in a while a service.

Q. When a friend came? A. When a mother would lose a child, or when a death would occur on Sunday, there have been, when the preacher was there; there would be service once in a while.

Q. When a mother was there, and lost her child there, and she wanted service, she had it? A. Yes, sir.

Q. But whether the child went to Harvard, or to the grave, you don't know, do you? A. No, sir; I could not say.

Q. Could not say. Then, this would be the condition: A poor woman would have a child born there; the child, under your medical administration would die, and she would want to have funeral services; if there was a chaplain handy of a Sunday, funeral services would be held; and then the child was taken to the dead-house, and the Lord knows where it went to, you don't? A. I don't.

Q. That is it. Well, now, Doctor, did you keep any record of the people that died there; you, yourself? A. I never kept any record aside from the public records.

Q. Did you keep the public records? A. I kept them, yes; that is, one of them.

Q. Were there two records? A. You might say there were three. There was what was called the stub book that contains the duplicate; notice was sent to the office —

Q. That is to say, there is a stub book of notices sent where you know where the party's relations are, or supposed to be sent? A. In every case.

Q. In every case? A. In every case the physician who has the care of the case is supposed to write; or some one, some physician, writes out this notice of death, and it is deposited in the office for the clerk to make his record. Then he keeps a record of death. That is recorded on his register, and is recorded, also, in a list of deaths; what is called the death-book.

Q. The death-book? A. Besides that there is a register of sick, in which the death is recorded, also.

Q. Is there any record,—did you ever keep any record of burials? A. No, sir; I never did.

Gov. BUTLER. [To Mr. Innis.] Won't you go down, Mr. Innis, and get me the two or three dead-books, and ask Mr. Records to come up here. Get all the dead-books. [To the witness.] Mr. Charles Marsh says there are certain memoranda made on these books.

The WITNESS. On the death-book, on the last column, the name Gigault, or French, is put on, to indicate the person who performs the ceremony.

Gov. BUTLER. I understand.

The WITNESS. That is all I know about it.

Q. Precisely; but did you ever make any memorandum upon it? A. Upon this book?

Q. Yes. A. I never did, except, sometimes, the diagnosis would be left blank, and I would fill it in afterwards.

Q. That is to say, if you hadn't found out exactly what he died of, and if you got word back from Harvard what he died of, then you would put it in? A. I would leave it blank, so as to have it properly entered.

Q. That is very proper. A. There are not more than three or four cases of that kind.

Q. Only three or four cases of that kind. After you had sent him down to be cut up, and it was found out what was the matter with him, then you would put it in. That is all right, only they usually make autopsies in our country before the funeral and not after. You reversed that up to Tewksbury; you made the funeral first and then the autopsy afterwards. A. Not always: sometimes made it first.

Q. Not always, but sometimes, unless you made the autopsy yourself? A. If I made one myself, it would be —

Q. Before the funeral? A. To suit the convenience of the priest about that; I should not interfere with him at all.

Q. It would be according to the convenience of the priest; if it was just as convenient for him to perform the funeral ceremony before the autopsy, he would do it; if it was more convenient for him to do it afterwards, he would do it,—do you mean that? A. Yes, sir; if he was right on the ground at the time of the death, of course he would have the service,

Q. How soon was the service after death? A. After the death the notice is sent, and he is —

Q. Take a case where there was no notice to be sent; that was a majority of the cases, of course, because the majority had no friends. A. I mean a notice to the priest or the minister.

Q. Yes. A. And then he would come within twenty-four hours, at his own convenience.

Q. Yes. A. Not always within twenty-four in winter.

Q. Sometime, he would come, at his convenience. A. Come at his own convenience.

Q. Then he would have the ceremony, and if the man was wanted to be cut up he would then be cut up, or if he had been cut up before it was all just as well? A. We made very few autopsies there.

Q. I observed you wanted a case of autopsical instruments, if I may use that word; you hadn't any. A. I have some of my own, but there is none that belong to the institution.

Q. None belonging to the institution; very well. Did you ever hear, while you were in the institution, about their satisfying a mother or a sister by putting a block of wood, or blocks of wood, into a coffin; ever hear of that? A. No, I never did, sir, except since this investigation.

Q. Well, now, we will go on a moment till we get the other; do you know Lydia C. Moody? A. I do, sir.

Q. What was she, a supervisor, a nurse, or an attendant? A. She was a nurse or an attendant; she had her part duties; I think she was appointed by Mr. Marsh.

Q. Appointed by who? A. Appointed by Mr. Marsh.

Q. By Mr. Marsh. A. During the interim.

Q. During what? A. She was appointed during the time when it was not a question in my mind whether I should appoint the nurses or not.

Q. How late was she there? A. She left within a short time; a week or two.

Q. What was her condition; how long had she been in the institution? A. I should think she had been there some years.

Q. How many? A. A year or two.

Q. A year or two? A. And, perhaps, three.

Q. And she left when; about a week ago? A. A week ago, perhaps, last Saturday; I think she left a week ago last Saturday, — I think she left.

Q. Pregnant? A. No, sir; not that I know of.

Q. What? A. No, sir; not that I know of.

Q. Didn't she leave on that account? A. No, sir; not that I know of.

Q. Haven't you so said? A. No, sir.

Q. On account of some connection with men? A. She didn't say anything to me about going, and I didn't say anything to her about it.

Q. No; you didn't have the appointment of her. A. No, sir.

Q. Where has she gone to? A. That I could not say, sir.

Q. Was there anything said at the time of her going about her condition, by anybody? Out with it, now, Doctor. A. There was a gossip about the place.

Q. About what? A. There was a gossip around the place to the effect that you speak of.

Q. She was in Dr. Otterson's department? A. He, a part of the time, attended these cases.

Q. Do you know Walter Winning? A. I do, sir.

Q. Did you ever find him abusing the inmates? A. I did, sir.

Q. When was that? A. Well, he has not been in the institution a very great while. It was about, I think, it was in the month of April, perhaps it might have been March.

Q. (By Mr. BROWN.) This year? A. Yes.

Q. (By Gov. BUTLER.) This year; what was he doing; in what department was he? A. He was in the hospital, men's hospital.

Q. The women's hospital? A. The men's.

Q. Men's hospital; what did he do to to the men? A. He boxed a man's ears.

Q. What man was that? A. It was a man named Battles.

Q. What? A. The man's name was Battles.

Q. And he boxed his ears; did you see him? A. I did; yes, sir. Well, I was near enough, I was in the next room, and I first heard him do it, and I stepped right in through the door and he had just taken his hand off of his ear; I was just in time to see that part of it,—heard the noise.

Q. And you heard the box on the ear in the next room? A. Yes, sir; I was sitting there writing.

Q. Writing? A. Yes, sir.

Q. How far from him? A. About twenty-five feet, perhaps.

Q. And opposite the door? A. I was right side of the door.

Q. And you could hear it, and you went to him and saw his hand just coming away. A. Yes, sir; I jumped right up as soon as I heard him. He spoke to the man and that attracted my attention.

Q. And saw his hand just coming away from his ear? He must have hit him more than once? A. I think he did; I think he hit him twice.

Q. Twice; yes. And what was the matter with this man, who was he, — you told me his name, — was he an old man or a young man? A. He was a man about twenty-five or thirty; he boxed his ears for getting up without putting a blanket around his body as he wanted him to, without exposing himself in the ward.

Q. The man got up; was he insane? A. He was demented.

Q. Demented? A. Yes, sir.

Q. Hadn't mind? A. No, sir.

Q. And he was pounding him for that. Did the man cry out? A. No, sir.

Q. No; the man didn't make any outcry. How many people were in the ward? A. I should think there was a ward full of patients; I don't remember any persons else.

Q. Where were the other attendants, or supervisors? A. They might have been up at the other end without my noticing it. This was down at the lower end of the ward.

Q. But they must have heard it, mustn't they; the ward was not so long — A. They might have done so; I don't recall that part of it.

Q. You don't recall that part of it. Was he a man of your appointment? A. No, sir; I didn't appoint him.

Q. But discharged him? A. He belonged to my department to appoint, if I had known about the change in the law.

Q. He would have belonged to you if you had known about the law; and you discharged him? A. I did.

Q. Now, all this was publicly known? A. That is, I suspended him subject to the approval of the trustees; it had to be approved by the trustees, and he left.

Q. You suspended him and he left? All this was publicly known, wasn't it? A. How do you mean, publicly?

Q. Why, the people, the attendants and people that were there knew about this thing, this occurrence; such a thing could not happen — A. Likely enough; I don't know anything about that part of it.

Q. Well — A. Nobody spoke to me about it at all.

Q. Very likely; all this was done openly? A. Yes, sir.

Q. And ought to have been known as a warning to the rest? A. I spoke to him; I scolded him right off, and told him it could not be allowed.

Q. You scolded him right off, in the presence of everybody? A. I did, sir.

Q. Attendants and everybody else; and yet, they will come here and swear there never has been any complaint made there. A. I told him that if a man committed murder he must not strike him; and I said it loud enough for everybody to hear.

Gov. BUTLER. A demented man is not subject to punishment; you were right, sir. Where are the rest of the death-books? [To Mr. Brown, producing one.]

Mr. BROWN. I don't know anything about it: I haven't seen them.

The CHAIRMAN. Governor, they asked for two or three books to make up their monthly report, and possibly, one of these was taken. We will have it back here to-morrow. We allowed them to take the books temporarily to make up the returns.

Gov. BUTLER. Then I shall have to go into that later. [To the witness.] I shall have to have you here when it comes, and I must have the books.

The CHAIRMAN. Yes, sir.

Q. Now, take this man, — what was his name, Skillings? A. Battles was the man.

Q. I mean the man you spoke of yesterday that I looked up at the time; I don't remember names well. A. I don't know what —

Q. Rollins. A. I didn't know what kind of a man you referred to.

Q. Rollins. Now, what did Rollins do? A. He came in to me one day and said he had something to do in Haverhill.

Q. In Haverhill: and when was that, after he had done

something to this old man? A. Rollins, something to an old man?

Q. Yes. A. I don't remember any such instance.

Q. You were asked if Mr. Rollins hadn't, — if you knew of an old man being black and blue all over, and you said you didn't. A. Not at the hands of Rollins. Well, I don't know what you refer to.

Q. Well, do you know of such an occurrence? A. I never heard of Rollins striking anybody.

Q. Was it French who struck him? A. No, sir; I never heard of him striking, — it was Emmons French that was accused of striking a woman.

Q. Striking a woman? A. Yes; that I spoke of yesterday, and Mr. Elliot —

Q. That is one, and then there is another; I had just as lief take French's case; French's case is just as good as any other. He struck a woman, did he? A. Yes, sir.

Q. How did he strike her; where? A. Well, that was five or six years ago, and I don't remember any of the incidents, only such as I related yesterday.

Q. Pardon me; I think I can help you. Where did he hit her? A. Pushed her over.

Q. Pushed her over, or knocked her over; now, why do you say pushed her? A. She came at him, and he probably hit her hard and knocked her down.

Q. I have no doubt he did. A. Pushed her forcibly.

Q. How do you know she came at him? A. Only know from his statement.

Q. His statement; and he says that he did it in self-defence? A. He said that she attacked him, and that he did it with that view.

Q. That is, he justified it on the ground of self-defence. Well, was he a very little man? A. He was a short man; yes, sir.

Q. What? A. He was a —

Q. A short man. A. A very short man, but not a very slender man.

Q. About five feet four? A. Perhaps that would be about his height; he was quite small.

Q. He was within the soldier size; and how old was he? A. I think he was 26 at the time of his death; that was in '77.

Q. And when did he die? A. I think he died in '77.

Q. And how long was this before he died? A. I only knew him from about October, 1875.

Q. Then it must have been within a year or two of his death? A. Within a year or two of his death.

Q. Then he was twenty-five or six; a young man, of ordinary size; and he knocked this woman down, or got her down somehow, in self-defence? Had she a chair, or a club, or anything? A. I don't remember whether she had anything or not.

Q. Don't you know she didn't? Because he complained of her catching hold of him? A. I know he did.

Q. I know he did. A. She came at him and caught hold of him, and he pushed her off, and in that way pushed her over, and that was what —

Q. Didn't he strike? A. I think very likely he did.

Q. Now, why do you keep pushing in push all the time? A. I do because we didn't see any marks or bruises upon her which indicated a blow.

Q. Oh, then, — thank you, — you did look for marks, did you? A. We went over there, and we —

Q. Who was we? A. Mr. Elliot and myself; and his wife was present.

Q. French's wife? A. Yes, sir.

Q. The thing was so violent that complaint was made to the trustees; who made it? A. That part of it I can't remember.

Q. Somebody made complaint to the trustee and the trustee came there and — A. The woman may have made it herself.

Q. She didn't go over there, did she: she didn't leave; she was an insane woman, wasn't she? A. Yes, sir; but she might have made, to me.

Q. She might have made it to you, I know: don't tell me what might have happened. The woman was an insane woman and she didn't go over to the trustee to make a complaint, but somebody thought it was so severe that a complaint ought to be made. Did you investigate into it before the trustee came? A. I did.

Q. What? A. I did; yes, sir.

Q. And how many days was it before the trustee came? A. There was one came every week.

Q. I have no doubt there was. A. I don't know how long it was.

Q. It might have been a week? A. The woman was not suffering at all; she was strong and well.

Q. Excuse me; what do you want to crowd that in for? I have not asked whether she was suffering or not; of course it was a light touch from which she didn't suffer; but it was sufficient so that you investigated it. Here was an insane woman; he was in her charge, and he, as you supposed, knocked her down, for you looked for the marks: now you rather think he pushed her over. A. I didn't say that.

Q. And you or somebody thought it was severe enough to have an investigation by the trustees, and the trustee came there and investigated it? A. Yes, sir.

Q. Was he discharged? A. French?

Q. Yes. A. No, sir.

Q. He was allowed still to remain in charge of the insane women? Well, did his wife justify him; she was there? A. I don't remember anything that she said.

Q. She said nothing, so far as you remember? Now, you were asked, I saw, very carefully, and I saw how carefully you put it, what kind of a man this French was, and you said he was a very efficient man; and, then, you were asked, and then you said, — you were asked if he was a little rough in his manners, and you said no. Now, wasn't he a man that had more than once been complained of for striking a patient, — on your oath? A. Well, when I used that term that he was not gentle, I used it advisedly, because I didn't think that he was gentle enough, but I didn't think he was rough enough or that he was guilty of deeds which would lead us to discard him as an attendant; that was —

Q. That is what you put it in for; yes, I understand it perfectly, sir. A. That is really what we thought.

Q. That is really what you thought; he was just gentle enough to be there, and just rough enough that he ought not to have been there; that is the way you want it, is it? Now, sir, will you answer my question: The question was, hadn't you heard before that time of his assaulting women, or complaints of it? A. No, I don't remember; those stories of assaults that have come since the investigation are new to me.

Q. I don't ask you whether this investigation was new to you? A. I don't recall any such stories, sir.

Q. I don't ask you to recall the story. On your oath, sir, hadn't you heard of these complaints, or complaints of that kind, without recalling the stories? A. I have mentioned to you the worst thing I ever knew him to do.

Q. I agree; but that is not what I want. A. And the worst thing I ever knew anybody to do in the institution.

Q. What, simply to push her over? A. In self-defence; to protect himself—

Q. In self-defence against a woman? A. In these altercations, which occur invariably, and will occur, in asylums.

Q. And yet, you told us just before, that when a man's ears were boxed twice that that was so bad you discharged him? A. Yes, sir; that was a different kind of a case.

Q. I know; it was a young man in that case and you discharged him. A. It was because I knew that—

Q. I understand; he was a young man. You discharged Winning because he boxed a man's ears? A. Because it was unjustifiable.

Q. Unjustifiable; yes, very well,—and a demented man's ears. But it was justifiable, was it, to knock a woman down who was also insane, by a man, with plenty of people in the ward? How many people were in the ward at that time when this brute struck her? A. I don't suppose there was anybody there that was sane.

Q. Don't know there was anybody there that was sane: why was he there alone with her in the women's ward, all alone with insane women? What time in the day was it? A. I don't remember the hour of the day.

Q. Well, without remembering the hour? A. I can't say.

Q. Was it in the daytime or evening? A. Well, I can't say.

Q. You don't know enough to know whether it was daytime or evening. How many people were there, then, there within call? A. Without keeping any notes, it would be impossible for me to name a person.

Q. Without any notes; but how many, in the situation of the thing, were within call,—the night-watchman, if in the night; and the day-watchman, if in the day; and other attendants? A. There were no attendants in that part of the building, employed, but himself and his wife.

Q. And was his wife there? A. Whether she was or not—

Q. You don't know? A. I presume not.

Q. Now, then, did you really think that,—why didn't you give him the same instruction you did Winning, here, within a short time? A. It was a long time ago, sir; I can't remember so well.

Q. But, pardon me, my question was: Why didn't you give him the same instruction you did Winning, since you got up this investigation, that he must not strike an insane man if he attempted to commit murder? A. I may have given him instruction of that kind: I don't remember. I can't testify to what I don't recall.

Q. Well, I say, you don't know that you did? A. I can't remember anything definite about that.

Q. Now, we will go back. I want to get my question answered, — you have answered everything else; you said this is the worst thing you ever knew him to do; I was asking you if you hadn't heard before of complaints of his striking his female patients, — female, well, I call them patients, insane people? A. Yes, sir; I don't remember any complaints.

Q. I don't ask you whether you remember the complaints. A. You asked if I had ever heard any complaints of his striking —

Q. No, no, no! Haven't you heard of complaints? I don't mean you shall dodge. A. I don't want to dodge; I am ready to answer your questions.

Q. Very well; on your oath, hadn't you heard complaints of him, — whatever were the particulars of them I don't ask. — of his using roughly or harshly people under his control? A. I don't remember any.

Q. Well, you still don't answer my question. Ever hear of any? A. I say I don't remember to have heard of any. I have heard of that case of Miss Calder's, but this was after this. Miss Calder complained, you will remember.

Q. What? A. Miss Calder complained that Mr. French—

Q. I am coming to that; he struck this insane woman, and then, how soon did he strike another? A. I don't know that he ever struck anybody else.

Q. What did he do; how soon before he treated harshly another? A. I don't remember that he ever treated harshly another; I always thought he was kind to them.

Q. I know; he was a very kind man! But I am not asking that. Wasn't there a complaint that he treated another harshly? A. If there was, I didn't get it that I remember.

Q. Afterwards? A. I remember that affair that Miss Calder spoke of.

Q. Miss who, spoke of? A. Miss Calder complained about that case, but I never thought there was any truth in it.

Q. I don't ask whether you think there was any truth in it; what did she complain of? A. She saw the remains of an insane woman, with black and blue spots upon the remains, and she thought that these black and blue spots were due to blows.

Q. When was that: how long after the time when he struck this woman? A. Well, I would not say with regard to the chronology of the matter.

Q. To the what? A. I would not say with regard to the chronology, — before or after.

Q. But, pardon me; I asked you if you ever heard of any complaints before and you swore that you didn't, and said it was after that, after he struck this woman in self-defence. A. Yes; but he was there so long ago that I should prefer not to definitely fix that time.

Q. Very well; whenever it was. A. It was six years ago that he died.

Q. All the worse if he was kept there after the second time. Now, wa'n't your attention called to the body of a person that was beaten, supposed to have been beaten, by this man? A. I don't remember any case except that I speak of, Miss Calder's.

Q. What? A. That Miss Calder referred to.

Q. Chandler referred to; was your attention called to that? A. I think it was.

Q. Did you examine the body? A. I think I did.

Q. Do you know you did? A. I don't know whether I did or some other physician.

Q. Never mind; I want to know whether you did. A. I think I did; yes, sir.

Q. Do you know you did? A. I don't remember the actual looking at it; I have examined a good many bodies.

Q. I know you have; that I don't ask you. A. So I can't recall this, now.

Q. Then say so. A. I remember making an examination into that case, into the merits of it, and, I presume, that was a part of the examination.

Q. Have you any notes of it? A. I haven't anything very

extended, only just a little note in the prescription-book that I made.

Q. A little note in the prescription-book. Now, then, can you tell after death, when the blood is settled under the skin, echinosis, or, as we say, turned black and blue, — whether that is the effect after death or coming from some blow or pressure before? A. Usually we can.

Q. Can you always? A. One of the most common ways of telling is by the position, the location of spots, and their distribution; and it is a very rare thing indeed for that distribution and location to correspond with the blows, with such as would be given by blows.

Q. Can you tell,—suppose a man or a woman should be taken and pounded to death, all over her back, could you tell,—her skin not being broken, which would not be likely to be by blows, —after death can you tell that these black and blue spots came from the decomposition of the body after death? A. It is a matter of judgment about these things; there is no rule.

Gov. BUTLER. I thought so myself.

The WITNESS. Only —

Gov. BUTLER. I will give you the reason why I thought so.

Mr. BROWN. Won't you let him answer.

Gov. BUTLER. Well?

The WITNESS. Like a great many other things the judgment must be used in the matter.

Q. This complaint was — A. In a great many points.

Q. That she was pounded all over; that was the complaint, wasn't it? A. I don't remember the features of it. I examined into the case and came to my conclusion definitely at the time.

Q. Now, then, you examined into that case; did you talk with Emmons French about it? A. I can't tell.

Q. The woman was dead, you could not talk with her; did you talk with French? A. I suppose I did, but I don't remember whether I did or not.

Q. Did you ask any of the people that saw it? A. I had conversation with the people in the house where she died, and where she was sick.

Q. In the house where she was sick; did you have conversation with those people that saw the thing done, claimed to have seen it? A. I don't remember that anybody did claim that they saw it done, or that there was any reason given why

anybody supposed it was done, except Miss Calder's seeing the remains, seeing the body; that is all, as I recollect, that she alleged at all.

Q. That is all you recollect at this time. Now, sir, do you know of any other person that was assaulted there? A. I don't think of any, sir.

Q. Won't you try to think; remember a man that got hit with a pick-axe by an insane man? A. Well, we have had several cases, several cases of injury where one inmate has struck another.

Q. Yes; then that is not infrequent at all? A. I should not say it was frequent; perhaps three or four times a year cases of that kind would occur.

Q. Three or four times a year, always, and some pretty bad injuries? A. No; I don't think as often as that.

Q. What? A. I think there are sometimes we have been a whole year without any case.

Q. And then there would be a good many, — enough to make up the average? A. Perhaps two or three.

Q. Three or four; were those usually cases of insane people making the assaults? A. No, sir; generally cases of somebody who was irritated by something somebody said or did.

Q. And sometimes cases where the attendants made the assault, irritated by something that was said or done? A. I don't remember any case of that kind,

Q. Except those — A. Except those I speak of.

Q. Are French and Winning the only men who struck during the time you were there? A. Those cases are the only ones I recall; I think it is a very rare thing for a person to strike.

Q. I should hope so. Now, then, will you tell me whether these cases were well known, where people had got hurt; we will come back to that pickaxe affair, where the insane man chose to strike another inmate's head. — how came an insane man outside with a pickaxe? A. The insane labor on the farm. I don't remember the particulars of the case to which you refer, but the insane work on the farm.

Q. Didn't you ever hear of it? A. I don't remember; very likely I might have dressed the wound and might have known of the circumstances without remembering.

Q. Well, do you remember that such a thing happened? A.

I don't remember about its being a pickaxe that anybody used to strike.

Q. Out at the barn, or out in the yard? A. There have been,—I can remember that there have been instances where insane people have struck those around them.

Q. With the instrument that they had in their hands? A. Yes, sir.

Q. How many instances of that? A. Well; I don't think they have been very common.

Q. A dozen? A. Oh, no, sir; I should not think there have been more than two or three; three or four, perhaps.

Q. Somewhere there has been grievous injury done? A. I don't remember any, sir, where there has been any grievous injury.

Q. Well, those were all well known in the institution, I suppose? A. Where we found a man that was dangerous we removed him.

Q. Will you answer my question? These cases were well known, whatever there were of them, in the institution, weren't they? A. They were known within certain circles; probably among the farm workers they would be known.

Q. And among the attendants they would be known, for they would have to take care of them? A. Among those in the hospital who would be likely to take care of them; yes, sir.

Q. And it would be likely to be talked about, wouldn't it? A. If it was anything at all serious it would be likely to be talked about.

Q. And yet we have had people here swearing they never heard of anything of that kind happening; everything was lovely. A. We have had insane people who have been violent, of course, at times, have done violent things.

Q. Now, in spite of these several occasions where men have been hurt by insane people, still the insane people are allowed to go out,—not only allowed, but required to go out and work on the farm, and furnished with tools which may be made dangerous weapons of? A. Not the same persons that have been dangerous.

Q. No, not the same; you take another man, and try it on with him. A. We employ the insane for labor in the institution, in various parts of it.

Q. And you think that is a thing that ought to be done?
A. I think it is better, on the whole, to do it; yes, sir.

Q. Where they are to have murderous weapons, or what may be made murderous weapons, — an axe may be made a murderous weapon, — put into their hands? A. I think that there is an element of danger about it.

Q. An element of danger; and don't you think that element over-balances the amount — A. The amount of good to the insane?

Q. Amount of good; yes. A. I don't think it has, on the whole, at Tewksbury.

Q. You don't think it has? A. I think, at Tewksbury, the insane have been more benefited themselves than they have injured other people by working on the farm.

Q. Well, how benefited themselves? A. I think their minds have been greatly benefited, — those who have been well enough to work on the farm; they have been made better by that work.

Q. Undoubtedly; but let us see. Every one was incurable; you never have cured one, I don't suppose; what benefit has been done, what good has been done? What benefit to the mind has been done? A. The man is happier if he can do a day's work and eat good meals and sleep well nights.

Q. If he has had exercise enough; but that could be done without giving them dangerous weapons, couldn't it? A. It should be avoided giving him dangerous weapons; yes, sir.

Q. You read Dr. Tucker's saying that he didn't think it was even safe to trust an insane woman with scissors? A. Yes, sir.

Q. Now, we will go on a little further, sir. The superintendent entertained very liberally there at Tewksbury, didn't he? A. He sat a very nice table.

Q. Sat a very nice table; yes. But that would not entertain anybody unless somebody came and eat it? A. No; I didn't know what you meant.

Q. What! You, a physician — A. I understand now.

Q. Well, now, will you answer the question, if you do know what it means; did he entertain liberally? A. It is a question of judgment, what is liberal. There is very often some one at the table who was not employed at the institution.

Q. I know; very often. But wasn't there usually? A. Not usually, except at dinner.

Q. At dinner. Didn't people come there and stay all night?
A. Sometimes.

Q. Frequently? Let me help you a little. Haven't you seen senators spending the Sunday there? A. I have; yes, sir; in one or two cases.

Q. How lately? A. I don't know whether any senator has been there this session of the legislature; I know that Senator Winship came there and spent Sunday, once, when he was senator.

Q. And didn't he spend Sunday more than once? A. Yes, sir; he did.

Q. Wasn't he there almost every Sunday for a considerable time? A. Oh, no, sir; no, sir; I don't think he ever did; I don't think he ever did more than twice; that is my recollection.

Q. Did Mr. Wade, Levi C. Wade, — was he there spending Sundays? A. He came there once and lectured in the town, or spoke, some way, and that is the only time I remember his being there.

Q. Didn't he spend Sunday? A. He may have stayed over night; I think that is all at a time.

Q. He lectured, — a political lecture, I suppose, you mean?
A. Well, I don't remember definitely about it, so long ago, but I think it was.

Q. And General Swift? A. He has not been there for a couple of years.

Q. Pardon me; has he been there at all? A. Oh, yes, sir; he has been there.

Q. More than once, twice, or thrice? A. I should say he had since I have been there.

Q. Now, we have learned that brother Brown was there; and you went to hear him, I hope? A. I did.

Q. And Gov. Long? A. I did; I went to hear the Democratic speakers, too.

Q. It was a regular recruiting station of the Republican party, wasn't it?

Mr. BROWN. You didn't hear what he said; he said he went to hear the Democratic speakers, also.

Gov. BUTLER. I have no doubt he did; if he hadn't it would have killed him; it would have struck in.

Mr. BROWN. Tewksbury has for a long time been the nursery for the Democratic party.

Gov. BUTLER. Been what, sir?

Mr. BROWN. The nursery of the Democratic party.

Gov. BUTLER. Has it?

Mr. BROWN. Yes, sir.

Gov. BUTLER. I think it is now.

Mr. BROWN. No question about it.

Gov. BUTLER. I agree, fully.

Q. All the Republican speakers that came to town for a long series of years were entertained there, weren't they, ever since you have been there? A. Well, all the Republican speakers, — once a year, perhaps, there would be one that would.

Q. I should hope, in a town of ninety odd votes, or a hundred votes, or something of that sort, they would not come oftener than once a year; but they sent their largest guns there.

Mr. BROWN. Did you ever go up there when you were a Republican?

Gov. BUTLER. No, sir; I did not. I am not in the habit of sponging around on poorhouses. That was in the purer days of the Republican party.

Q. Now, did they ever entertain any Democratic speakers there? A. I don't remember of any.

Q. You don't remember any; try and tax your memory if ever one got even a crust of pauper's bread or a drink of pauper's tea, during these years? A. I still answer as I said, I don't remember.

Q. You don't remember any. Well, did it ever occur to you, when things were going on there, while all these things were going on there, that there might be some connection between the entertainment of these Republican speakers and the hold that the Marshes had on this institution? A. I always thought they were interested in politics.

Q. Yes; largely interested in politics? A. Yes, sir.

Q. They attended all manner of conventions, didn't they? A. None but Thomas.

Q. Thomas; yes, he was the politician. Now, then, didn't Thomas, — that comes right to the next matter on my brief, — didn't Thomas spend a good deal of time down here in the legislature, at the legislature? A. I very seldom visit the legislature, myself; I know he often went away from the institution.

Q. Well, didn't you know where he was? Didn't you hear

anything; wasn't he absent during the session of the legislature a great portion of the time? A. He went away a good deal; yes, sir.

Q. A great portion of the time; and hasn't that been for years? A. I should say he was always very much interested in the movements of the legislature.

Q. I know he was; and he always got very near it to see the movements, didn't he? A. More or less, I suppose.

Q. Now, sir, whether Tom Marsh didn't make most of the purchases for the institution during the last past two years? A. I should not say he made most of them, sir; he has made more during the last year, I think, than before, as far as I have been observant.

Q. And did he make them before? A. As far as my department was concerned, he did not, sir, that I knew of.

Q. I understand that; we know all about the Spalding contract; we won't go into that now; I am asking about supplies. A. I mean, as far as I have been aware, Mr. Marsh, Sr., has done the buying, as far as I have been observant, most of the time I have been there. Occasionally, perhaps, during the last year or so, Thomas has done some of it. That has been my observation about it; I don't know anything beyond my own supplies.

Q. Do you know Henry Moulton, of Lowell? A. I do, sir.

Q. Whether he has been a very frequent visitor at the almshouse, Sundays, and other times, at the institution? A. Yes, sir; he comes down often.

Q. Spend Sunday? A. He don't spend Sunday often, but once in a great while he has spent Sunday.

Q. But he is a frequent visitor? A. Yes, sir.

Q. And, that remains up to this time, substantially? A. Yes, sir.

Q. In order that we may not make a mistake, I mean Henry Moulton, the editor of the "Lowell Citizen." A. Yes, sir; that is the one I mean.

Q. He was formerly clerk? A. Yes, sir.

Q. He was clerk at the time the letter of Gov. Rice says there was \$1,500 short in the accounts, wasn't he? A. He has not been connected with the institution as an officer since I was there.

Q. I know he was not, and I have carried it back to that

time; he was the clerk who preceded Charles Marsh. Now, sir, was there any trouble between you and Mr. Sanborn of the board of charities about the disposition of an appropriation, a difference of opinion? A. I don't recall anything of that kind, sir.

Q. About the time of the appropriation for painting? A. When do you mean, sir?

Q. I mean at the time. A. How long ago?

Q. A considerable time ago, sir. A. No, sir; I don't remember anything.

Q. Then what did you want to know how long ago it was for? A. Because we had a talk.

Q. What? A. Because recently he did ask me about it.

Q. There was some appropriation for painting the building; he wanted it to go one way and you the other? A. Well, he —

Q. When was that? A. That was a week or two ago.

Q. A week or two ago. You wanted it to go toward the hospital? A. I didn't care anything about it. I don't know of anything, only, unless you refer to a suggestion that has been made that the, — I don't know as it has any reference to me, especially, — an inquiry that was made out at the institution as to whether or not the appropriation which has been passed by the legislature, which was made for painting, could be used for making other alterations in connection with the moving of the insane. That was a matter of talk about the institution.

Q. That was made by Mr. Sanborn? A. Yes, sir; as far as I know it was. I don't know about it, whether it originated with him.

Q. Now, I want to go to another matter. How many days did it average in a month that there were flowers in your hospital? I don't mean the ordinary field-flowers that are picked up, but I mean hot-house flowers? A. Unless they have plants growing in some of the wards of the women's side.

Q. On the women's side they have plants growing? A. I think in one or two places there are some.

Q. Any cut flowers? A. Not very often, sir.

Q. Not very often, and that is in the female ward: any in the hospital itself? A. I have not seen cut flowers in the hospital very often.

Q. What? A. I have cut flowers, — well, I have not seen

any to speak of except such as the inmates either raised themselves, or got from their friends once in awhile.

Q. Now, then, you have a greenhouse there, haven't you? A. Yes, sir.

Q. How large is it: how many years has it been there? A. Perhaps 30 by 40.

Q. What? A. Thirty by forty feet, I suppose.

Q. Thirty by forty feet; who tends it? A. George Fitzgerald.

Q. An inmate? A. No, sir.

Q. The gardener? A. Yes, sir.

Q. Employed to attend it? A. He has the care of the garden, and besides that has the care of the greenhouse.

Q. Didn't he have inmates to help him? A. He has inmates to help him; yes, sir.

Q. Under whose charge is that: whether it isn't under the charge of Charles Marsh? A. That part of it I don't know.

Q. Don't you know whether Charles Marsh — A. Charles Marsh has always been a good deal interested in the greenhouse, but whether it was any of his duty as clerk —

Q. Pardon me; I never asked that. I never thought about its being his duty; I thought it was exactly the other way. He has been a good deal interested in the greenhouse; where do the cut flowers go to — are they sold? A. Well, sir; I don't know.

Q. They don't come to the inmates, do they? A. I have usually seen some in the office on the table.

Q. That is rather for the use of the officer, isn't it; that is, Charles Marsh? A. That, I suppose, is for the observation of any one that might happen to come into the office.

Q. I understand. Well, now, I sometimes have flowers on my table and I don't think it is for the use of other people. I think it is for my use. Have you ever seen any anywhere else but in Charles Marsh's office? A. The office of the institution.

Q. Undoubtedly, it is the office of the institution, but it is the office he occupies. A. Sometimes the gardener has given my wife flowers.

Q. I have no doubt, one or two. The only wonder is — he ought to have given her a bouquet once a week to have treated her fairly; I am not upon that matter. A. I don't know.

Q. I want to know, — here is a greenhouse, 30 by 40, heated by steam? A. Yes, sir; hot water.

Q. Heated by hot-water pipes, covered with glass, in our climate, cost anywhere from \$700 to \$1,300 a year, according to how it is driven, and your wife has got a flower or two out of it, and there has been now and then a little bouquet on the office table, — oh, perhaps they have used them all up at the funerals; did you ever see any there? A. I have.

Q. You never saw any at a funeral, have you? A. I have, occasionally, when they have asked for them.

Q. When what? A. Sometimes a mother has gone and asked for them for her child and they have been given to her.

Q. How often? A. I think generally.

Q. When they go and ask for them? A. When they go and ask for them they have the flowers given them.

Q. That only applies, then, to the children, when the mother wants them; the grown people get along without them. Now, then, all that has been done without any benefit to the inmates. How many attendants, — when you wanted these extra nurses and could not have them on account of economy, — how many extra attendants could you have had out of that sum, by cutting off the greenhouse that wasn't any good to anybody but Marsh? A. I never estimated that, — the expense of the greenhouse.

Q. If it cost \$900 a year that would give you three extra attendants at \$300 each, which is the highest price paid, substantially? A. The women; yes.

Q. The women; there could have been three more nurses there by just cutting off that expense. Well, it must have been pretty large; I see they had 1,500 potted plants. A. Those are all set out in the ground.

Q. Undoubtedly. A. This time of year.

Q. Undoubtedly, because they would die if they were kept in the hot-house; I know what becomes of them in the summer time, you know; they would die if left in the hot-house; they must be put out and kept out doors and put back in the hot-house next winter. Thank you for your information; you see I never knew that before. A. I was merely giving you information as to —

Q. Now, then, you have bulbs kept, besides potted plants, in the greenhouse; orange trees. A. There is one.

Q. One orange tree; lemon? A. I don't remember any

lemon ; I am not very well conversant with the greenhouse, any way ; I remember seeing the oranges there.

Q. And calla lilies in the winter? A. I remember seeing that plant.

Q. How is it about roses? A. I don't remember ; there might have been a good many without my noticing them. There are a good many very nice plants.

Q. You didn't get much good out of the greenhouse at all, so far as I can see, and your patients none. Ever any flowers taken out of that greenhouse and potted plants to trim up with when committees of the legislature came? A. I don't think there have been any on those occasions.

Q. Pretty sure? A. Once in a great while we have had flowers put in the hospital, but I don't remember the occasion on which it was.

Q. Once in a great while. These reports, sir, show that 1,000 potted plants were put in as part of the things that were raised on the farm, and 1,500 cuttings and bulbs ; now, sir, do you know what is done with these cuttings and bulbs and these potted plants? A. No, sir ; I don't know anything about them.

Q. They are the private perquisite of somebody ; they are not used at the institution, to your knowledge? A. No, sir ; except in the cases I speak of, occasionally.

Q. Yes, occasionally ; but, as a rule, they are not. Now, here is 667 quarts of strawberries last year ; how many times were there any strawberries in the hospital? A. I don't know, sir.

Q. You don't know? A. Whether there was any strawberries issued to the hospital.

Q. You never knew of any? A. I don't remember any.

Q. Then, there is 2,500 asparagus roots ; when did you ever know any asparagus issued to the hospital patients? A. I don't happen to remember whether asparagus has been ; the vegetables —

Q. Leave out the other vegetables, sir? A. They have been.

Q. There were vegetables issued, of course, but the choice vegetables, — how many gooseberries? Here is 79 quarts of those ; how many of those have been issued to the hospital? A. I don't know anything about the gooseberries.

Q. Currants, 159 quarts of them ; any of them issued to the

hospital? A. I have an idea they did issue currants once last summer; I have an idea they did.

Q. You sort of have an idea they did. Well, sir, with all these things growing there, it would have been a comfort to the people in the hospital, and rather an advantage to them, if they could have had them, wouldn't it? A. They would have enjoyed them.

Q. They would have enjoyed them? A. Yes, sir.

Q. And it would have contributed to their health, for anything that would contribute to the enjoyment of a sick person would contribute to their health, wouldn't it? That is why we give them delicacies; that is so, isn't it? A. Yes, of course.

Q. Now, sir, when you could order all these things into the hospital, tell us, on your oath, why you didn't contribute thus to the enjoyment of your patients? A. I regarded these things as a part of the superintendent's supplies for him to distribute according to his judgment.

Q. No, sir; according to his judgment! Pardon me. A. I didn't regard them —

Q. You had authority to call upon him for anything for the dietetics of your hospital that you chose; no doubt about that.

A. Other than the ordinary almshouse supplies.

Q. Other than the ordinary almshouse supplies; these would be other than the ordinary almshouse supplies, clearly. A. He had these things on the farm, and he furnished them to the tables, the various tables of the employees; and when he had a sufficient number, he has furnished them to the hospitals, but not of these particular things that you have spoken of.

Q. I am speaking of these particular things, now. Were these furnished to the employees' tables, that I have been speaking of? A. Yes, sir.

Q. Currants and gooseberries? A. I don't happen to remember about gooseberries; the currants and strawberries were.

Q. The currants and strawberries. A. And asparagus.

Q. And asparagus, — French Joe and all? A. They may have been. I don't remember about the inmates having ever these particular things.

Q. Now, sir, why didn't it occur to you that these things, instead of going to these employees who are well, ought to go to the sick? They are raised at the expense of the State and if anybody should have them the sick and dying should have the

first right to them ; when the statute gave you the power, why didn't you exercise it. A. I never looked at it in that light, as being a part of my duty to distribute these supplies.

Q. You never looked at it in that way? A. Always left that to the superintendent.

Q. Now, then, under the statute, — confessedly as you agree and as I agree, although you thought something about the law being recently changed, but there was one time when the statute gave you that power, — now, how could you, as a kind-hearted man, looking after the sick people, with these things raised by the State for their use, — for all this institution is not for the use of the employees but for the use of inmates — why didn't it occur to you to order these things on to their table instead of down your own throat? A. All I can say is that I considered that to be the department of the superintendent.

Q. Well, but the statute said it was yours, at a time when there was no doubt about the statute. Well, did you ever remonstrate with him, you, a physician, knowing that these things were wanted, these delicacies, did you ever say to Captain Marsh, "Why, Captain Marsh, raising all these things here, why don't the sick get a few ; why do you gobble them all for the officers?" A. The sick did get a good many vegetables.

Q. I have no doubt ; but these particular and peculiar vegetables? They got vegetables, but they didn't get any common cabbage. A. These peculiar ones you speak of were not raised in sufficient quantities to supply the whole hospital.

Q. Weren't they? You are now getting off from my question ; my question is in regard to these special things : — how glad you are to get away, — A. I was not getting away from the special things ; that is just what I am speaking about.

Q. My question was, these peculiar things, — the strawberries, the currants, the potted plants and the bulbs and the cuttings, — all these things which administer to the sight and pleasure of these sick people. Now, why didn't you remonstrate with Mr. Marsh and say "Why should not they have these? These belong to them." I don't mean to go into the question whether they ought to be raised or not for paupers, but I think they had a great deal better be raised for paupers to consume than for idle employees to consume, who get too much wages anyhow. Now, why didn't you say a word to Captain Marsh on that subject? If it was in his province, and you thought it was not in yours, although the statute puts it

there, why didn't you remonstrate with him, as a kind-hearted man? A. We provided them with such things as we raised on the farm, in sufficient abundance for them, as far as we could. I don't remember they ever furnished these particular things to them.

Q. I understand. In 1862, when it didn't cost but \$49,000 to run this institution, there were 16,260 heads of cabbage raised, and no potted plants and no strawberries, and none of all this sort of things. Now this year, when it costs \$93,000 to run it, there are no cabbages except 300 red cabbages -- and they don't cut them up -- there are no cabbages, and all these potted plants and strawberries. A. We often discussed the matters of diet.

Q. You did often discuss it? A. We often talked over matters of diet; but I don't remember that those particular things were furnished.

Q. Were they ever spoken about? We know they were not furnished. A. I don't think I ever made a requisition on him to furnish strawberries to the insane or to the sick or to anybody among the inmates.

Q. No sick or dying person, when they were there, had any of these 667 quarts of strawberries? A. I would not say that they had not been furnished.

Q. I am upon the point of what you were doing. If they were furnished they were furnished without your requisition? A. Yes, sir.

Q. Now, Doctor, how comes it that you were brought here from the West, like a thunderbolt out of a clear sky, where you were serving for \$900 a year, to be put into this institution? How came they to know that you existed? To whom are you related, by blood or marriage, that is connected with this institution? A. My father resided in Hamilton, Mass.

Q. Very likely; but will you answer my question. A. That is what I am doing. I came on to see him on account of his illness, and I asked him where the institution was located, because I was interested in the institution as being similar to the one I was connected with at the West. And he said that he knew a gentleman who was one of the trustees, and he gave me a letter to him. That was Mr. Daniel E. Safford, who was a lawyer in Salem. I took the letter to him and went down to the institution to visit it alone. I went all over it. Mr. Marsh told me that they needed a physician. I thought I would like

the place, and made formal application for it in writing. That was the end of it until I received the appointment.

Q. Now there is one part of my question you haven't answered — to whom were you related? A. I am not at all related to any one of them that I know of, officers or trustees.

Q. By blood or marriage? A. No, sir.

Q. Did you undergo any examination, competitive or other? A. No, sir.

Q. Did anybody here know anything about your qualifications? A. Mr. Marsh and Mr. Elliot —

Q. Mr. Marsh knew about them?

MR. BROWN. He was going to answer.

THE WITNESS. They went West, and were around inquiring, I found out.

Q. Mr. Marsh? A. And Mr. Elliot.

Q. Mr. Marsh and Mr. Elliot? A. Yes, sir: they went around inquiring where I had lived, and inquired at the institution. I was not there when they visited it, but I heard of it.

Q. Now, then, with the exception of a little while when you were called in, about two months — a few months — when you were called in to this almshouse or county house, did you have — you were employed all the time in taking care of men, mostly in soldiers' hospitals? A. I lived in Detroit and vicinity about eight months.

Q. That may be. A. In that time I was physician to institutions where there were women as well as men.

Q. Be it so. But you did not reside in the institution, and you hadn't any care except to go in backwards and forwards?

A. No, sir; I did not reside in any institution.

Q. You were called in only two or three hours a day? A. I made my visits.

Q. Now, before that, all your experience had been in army hospitals? A. Yes, sir; I never was a resident.

Q. Now, had you, at any time, had any considerable experience in midwifery? A. I had had a good deal; yes, sir. I had had more of that practice, in proportion, than most physicians have. I had it before I came to Tewksbury. There was a good deal of it in the county institution at Detroit.

Q. How many people were in that county institution? A. There were about 600.

Q. That was a pauper institution, I suppose? A. Yes, sir.

Q. Do you think that the change from one cow's milk to an-

other had anything to do with the sickness of that child that Mr. and Mrs. Carver brought there? A. I don't recollect the particular case to which you refer.

Q. You were asked about it by Mr. Brown. A. I told him I did not remember the case.

Q. Haven't you testified that in the foundling hospital you changed cows whenever the farmer desired to change them? A. Yes, sir; we did change cows.

Q. Well, if changing the cow's milk, from one cow's milk to another cow's milk, will sicken infants and give them the diarrhoea, why did you have the cows changed? A. Well, the milk of the cow itself changes as it becomes more mature, and if you are feeding young infants you should have the milk of a cow that has not been milked too long a time.

Q. How long would you call a long time? A. I have always thought that after a cow had been milked from three to five months, it was just as well to change and have a fresh new-milch cow. It would depend somewhat on the season.

Q. Would giving narcotics produce nausea and vomiting — the continued giving of narcotics to infants? A. I think we never gave narcotics continuously to children.

Q. I ask you, as a physician, whether you think the continuous use by infants of narcotics would not produce nausea, vomiting and inability to retain food on the stomach? A. I should not think that would be the prominent symptom that would result from the use of narcotics. It would produce ill-health; and ill-health in an infant is attended with indigestion. Ultimately it would have that effect, but I don't think the primary effect of a narcotic would be that. It would cause a derangement of health.

Q. Do you know whether those infants had narcotics or not — those foundlings? A. The nurses had —

Q. I don't ask what the nurses had: most of them had infants. But this is it: I am upon the question of what the infants had. A. I believe that —

Q. No. Do you know whether those nurses, for any reason, in order to escape trouble, to keep the infants quiet, gave them narcotics or not? A. I don't think they did.

Q. I don't ask what you think. Do you know whether they did or not? A. It would be impossible to know positively.

Q. Very well; then that is your answer. Then you don't know a thing if it is impossible to know, I take it — a thing

that is impossible. Now, then, didn't they have narcotics where they could get at them whenever they chose? A. Sometimes, when they were ordered.

Q. Wasn't there a bottle there where they could get at it any time they wanted it — a bottle of preparation of morphine and a bottle of preparation of paregoric; some of the preparations of opium. Wasn't there a bottle there? Stick to that, now. A. There was no bottle known in that way.

Q. Whether it was known in that way I don't care; was there a bottle there? A. It would depend altogether on the prescription of the attending physician; on what he wanted to do for any particular child.

Q. But wasn't there? We have got it from one physician. I want to see if you know anything about it. Do you know whether there was or not a bottle in the closet of that room that contained a preparation of opium or morphine? A. I know that there was at some time. I don't know whether there was all the time. It would depend on the doctor.

Q. I know; because if it was pretty freely used you would be frequently out of it, as you were of other things. Now, wasn't there, as a general thing, such a bottle? A. It is so long since — I think they have a closet there with medicines, and it would be very likely that there might be such a bottle there.

Q. And did these nurses, supervisors or attendants, whatever they are, have access to this closet? A. There was only one person, and that was the person that had the care of the whole building, the whole place.

Q. You don't mean the whole building. You mean the whole room, the whole ward? A. Yes; the whole ward where the children were.

Q. That was the nurse? A. That would be the nurse in charge.

Q. That would be the nurse in charge. She would have full access to it. Now, is it not common — outside of Tewksbury, is it not common practice for not-too-well-instructed mothers to give this preparation to their children to quiet them, to keep them quiet? I don't think, when they are warned against it by a physician, that they are likely to do it.

Q. I am not asking if they do it when they are warned against it; but is not that the custom? A. Quite a custom.

Q. And don't the physicians, whenever they hear of it, warn

them against it on account of the dangers? A. On account of the dangers; yes, sir.

Q. Uninstructed persons. Now, then, if these children — were these children very quiet, these foundlings? A. Sometimes they would cry and sometimes they would not, like other babies.

Q. I am glad to find something they were like other babies in; I thought they were different in everything. A. They would cry.

Q. Yes, some of them had vitality enough to cry like other babies; they were not all dead. Now, then, will you swear that you never saw evidence in the appearance of the children that any of those children had any narcotic administered to them? A. Contrary to orders? I don't remember any case where they had narcotics given to them contrary to orders. There have been instances where we have prescribed narcotics to children, and they have been under the influence from that.

Q. Then were narcotics frequently prescribed for them? A. I don't think they were.

Q. Very well, then. Was not there a case — did not many of these children die vomiting? A. No, sir; that is not my remembrance of them — that they died vomiting.

Q. Did they die of what you put down as inanition? A. When they died of what we call inanition or marasmus, that was not the characteristic symptom. If they died vomiting, we should put it down cholera infantum.

Q. Well, cholera infantum makes a very large place in your book, does it not? A. In the summer we lost a good many from cholera infantum.

Q. Well, all those foundlings died under your hands, at any rate? A. That was my misfortune.

Q. I don't ask whether it was your misfortune, but whether it was the fact. Indiscriminately, well or sick when they came, death was their portion, was it not? A. Not indiscriminately; there were some that lived.

Q. What? A. There were some that lived.

Q. How long? Did any of them finally live to be sent out of that place, — the foundlings? A. I know one that is alive now, or was a little while ago.

Q. You know one that is alive now. Then for aught there was of saving life by bringing up the children of the State, it might just as well, — somebody might just as well have per-

formed craniotomy on them with a file as to send them there, might they not? A. The mortality was large.

Q. The mortality was large? It was without exception! Now, what was the use of taking those children up there all to be killed, all to die, for a series of years, for almost a quarter of a century? A. That is the reason why we have adopted the present system.

Q. Precisely so. A. The fault was in the system.

Q. The fault was in the system; very well. Now, foundlings do live in other institutions, don't they? A. I have no evidence of it, when they are taken to institutions.

Q. You have no evidence of it. Very well, then I won't trouble you. A. Under those conditions.

Q. Pardon me; under what conditions? A. Under one year of age, being in a large institution, and not receiving any mother's milk.

Q. Now, I am coming right to that. Now, it is to the credit of your institution that children that have been born there usually survive; showing that there is no occasion — A. That is so always; that the children born there usually survive.

Q. I understand that lately they live there to a larger extent. We won't discuss that. So that it is not anything in the place that children can't live there. Now, I suppose that foundling mothers are about on an average with other babies' mothers, aren't they, in constitution, so far as you know? A. Of course if they are foundlings we don't know who their mothers are.

Q. I know; but is there anything that you know of why they should not be of ordinarily good constitution? A. Of course they have been living dissolute lives; that is all.

Q. Now, then, you had about eighteen, — from ten to eighteen foundlings there at a time, and they were all dying, that average a week. You had about fifteen deliveries there a week? A. Fifteen?

Q. Yes; on average. A. Fifteen deliveries a week?

Q. A week or a month; I don't remember. A. No, sir; we never averaged more than two a week, — a little more than two a week, but not much more.

Gov. BUTLER. Well, we will say two a week.

Mr. LEARNARD. Mr. Chairman, I would like to ask if the Governor is likely to get through with the witness to-day.

Gov. BUTLER. I should think not ; because I must have some time yet to look at the books.

Mr. LEARNARD. We have been here three hours, and I think it is time to adjourn.

Gov. BUTLER. I want to finish this matter. It will take but two or three minutes if he will answer directly.

Q. And those women would have milk for children for how long, if they are healthy? A. You are not speaking of foundling children?

Q. Oh, no, no. A. Those born in the institution? Most of the women go out after the child has reached a sufficient age to justify it.

Q. What age is that? A. About a month. We don't like to have them go under a month.

Q. Well, from a month — A. Until they find it convenient to go. A great many go very soon after that.

Q. Now, what I want to ask you is this : if there were not employed in the laundry, in the sewing-room, and in the kitchen, a large number of those mothers during the time these foundlings were there — the mothers of children born there? A. There were ; yes, sir.

Q. They were? A. Yes, sir.

Q. And there were many of these mothers who had fine breasts of milk, I have no doubt? A. Yes, sir.

Q. Now, then, why could not those foundlings have had some of these women, instead of their being laundresses, for wet nurses, — with a decent administration? A. Well, I never could bring it about.

Q. Well, but why not? They could be sent into the laundry to scrub, and into the kitchen to cook. A. Occasionally we would induce a woman to nurse one of these babies, but it was very rare that we could do it.

Q. Did you ever offer to pay them anything? A. No, sir ; I had no means to do it.

Q. Pardon me ; no means? This was the time before the law was changed, my man ; when you had the right to order anything that was necessary. You could have appointed every one of them on a salary of \$300 a year if you had chosen, just as you appointed that McKinnon woman from Nova Scotia. Now, why didn't you do it? A. If I had the power to do that, I hadn't any money.

Q. Pardon me ; you had the right to make requisitions on

the superintendent, to appoint every one of them nurses, and to fix their salaries. Why didn't you do it? A. That is, subject to the approval of the trustees.

Q. Well, I know. A. Well, I proposed to do it.

Q. That is what I want to get at. I want to get at somebody who is responsible for the death of these children, for the murder of these children! Because we all agree if these mothers had nursed them they would have lived. Did you ask the trustees to allow you to appoint these wet nurses at a fair pay, and they refused it? Because, if they did, we will try them in another court. Did you ask them to approve of your appointments?

MR. BROWN. Let him answer the question.

GOV. BUTLER. They didn't have to appoint; they had to approve, or disapprove, of your appointments.

THE WITNESS. I know I often suggested it, and I know that I could not bring it about.

Q. To whom did you suggest it? A. I should say I suggested it to the superintendent and to the trustees.

Q. Which trustee was it to whom you said: I want to appoint some of these women wet nurses, so as to save the lives of these foundlings, and they said they would not do it? I want to know who did it, because I want to place the responsibility where it belongs, if it does belong to them. Because, here were children of the State by the hundred, and here were breasts of milk all around them, in the laundries, in the cook-houses, who for a dollar a day, or week, would have been glad to have given of the surplus milk more than their infants could eat, and then when their infants died would have been glad to be relieved of the milk for months, or for weeks. Now, why was it not done? Who interfered? That is what I want to know. You made the requisition; who interfered? A. I have no written record of any written requisition, but I am very sure that it often occurred to me, and I often spoke of it.

Q. It was your duty to make requisition, if you wanted it, was it not, in those days? A. That was a question of general management, implying an entire change of the general management and policy of the institution.

Q. What change of policy of the institution was it to a wet-nurse when a wet-nurse was needed, and a dry one when a dry one was needed? A. Well, I know that they never employed inmates at all; at least they didn't while I was there.

Q. I know they didn't, but you had that in charge. Why didn't you do it? A. I could not do anything without the approval of the trustees.

Q. Did you put it to them that you wanted to do it? A. I am very sure I did.

Q. Will you swear you did, so that when hereafter if I want you to swear to fix it on them you won't dodge back from it? Will you swear you did? And if so, whom? A. I cannot swear to whom I spoke, for I spoke about it a great many times.

Q. I know. But can you swear that you spoke to any one of the trustees, and which one? A. I cannot. I don't recollect any instance of speaking to any particular one.

Q. Did you ever speak to them in the board? A. I don't —

Q. What? A. I don't remember any particular —

Q. Will you swear you ever spoke about it in the board at any time, without any particular? A. Yes, sir.

Q. About that subject, and said you wanted to employ those women as wet nurses, and they said you should not? A. I feel very confident that I brought the subject to them.

Q. Did they say you should not do it? A. They must have said so, because they did not do it.

Q. I don't know that. Don't leave it as a matter of argument. Did you ask them for leave to hire those wet nurses: just the ones these poor foundling children needed, and did they say you shall not, or you must not, or you will not, or you cannot? Swear to that if you dare. Let us have it. A. I say the same as I said before, that I have often talked this matter over with them and they decided not to do it. They wanted to have the children taken away altogether, and this system adopted that we have adopted; and we thought it would be adopted much earlier than it was.

Q. Good heavens! then do you mean to say they refused because they wanted the children taken away; and in order to get them taken away they wanted them killed as fast as possible? A. Not that.

Q. Is not that what you come to? Do you see where you are going, Dr. Taylor? Do you mean to swear that these trustees refused to let you appoint wet nurses from those women there, to nurse those children, because they wanted the children taken away altogether? A. I mean to say that their idea of a policy to be pursued was that —

Q. Oh, no; this has not been pursued, this policy, until within three years, and I am going back nine years. Was that the reason nine years ago? A. I was not there nine years ago.

Q. Pretty near; only lacks a month or two. Now, we had better not fence about that. A. I thought you referred to something else. I was there not quite eight years.

Q. I want to know if for nine years or six years the established policy of the trustees was that they would not let you employ these women that had children as wet nurses — they allowed them to be employed in the kitchen — when they could just as well have been nursing these children and saving their lives, because they wanted to get rid of the children? And who is that party? A. Not because they wanted to get rid of them; of course they didn't want the children to die.

Q. Then why didn't they take means to save their lives, if they didn't want them to die? A. I have no record —

Q. You and I both agree. Let us see where we are. You and I both agree, and everybody agrees, that if a child can have some nurse's milk, some mother's milk, and some cow's milk, it gives them a very great chance of life. A. Yes, sir.

Q. You and I, — everybody agrees to that. Now, here were twelve, fifteen or twenty women with fresh breasts of milk. Some of their children died, as, of course, they always do. And here were all these foundlings, which might have been fed from this fountain of nature, which would have saved their lives. And instead of doing that they were sent scrubbing and washing; and the reason was that when you wanted them to do this the trustees had a policy against it. Is that so? A. That is what I understood by it.

Q. That is what you understood; but you made no requisition? A. No, sir; I never made any requisition in writing.

Gov. BUTLER. That is as far as I can go now, Mr. Chairman.

Adjourned to meet on Friday, June 15. at 9.30 A. M.

FORTY-EIGHTH HEARING.

FRIDAY, June 15.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

TESTIMONY OF WILLIAM H. LATHROP (*continued*).*Cross-examination by Gov. Butler resumed.*

Q. Dr. Lathrop, did you give Mr. and Mrs. Dudley a recommendation when they left? A. I did, sir.

Q. Did you think they deserved it? A. I think they deserved just such a one as I gave them.

Q. What? A. I did, sir.

Q. Was there anything said to you by the Marshes about giving them these recommendations before or after? A. I don't remember definitely, except that Mr. Marsh thought it would have been better not to have given it.

Q. What reason did he give? You know and I know. A. I don't remember now just the reason, except that he said —

Q. Pardon me; if you don't remember it, don't pretend to tell it; if you do remember it, tell it.

Mr. BROWN. He don't remember, except —

The WITNESS. In general terms he expressed dissatisfaction.

Q. Pardon me; didn't he say that you ought not to have given it, because now, going away with a recommendation, they could tell things about the institution — I am now giving substance, not words — and if it hadn't been given them, if they did tell anything, they would have been simply discharged people? A. I don't remember any such thing as that being stated to me.

Q. Said in your hearing? A. No, sir; I don't think that was ever said in my hearing — anything about their subsequently making complaints against the institution.

Q. Sure about that? Have you ever said so? A. There

may have been a conversation of that character since the investigation commenced.

Q. I am not now upon the question whether it was before or since. A. Since the investigation commenced that remark has been made to me by a good many.

Q. I didn't ask about the rest, but I will now. I wanted to fix it on the Marshes first. Who else? A. I don't remember any names, except the general remark.

Q. I want to know if the Marshes, either of them, said it. A. He may have made that remark to me.

Q. That you ought not to give him a recommendation, because otherwise they would have been discharged people without any recommendation. A. I don't remember his using that language at all, except his making the remark that it was an unfortunate circumstance that I had given them a recommendation.

Q. Why unfortunate? A. Because they could now use it in this way.

Q. Because they could now use it in this way to defend their character when attacked. Now, who else has been making that sort of talk? A. I don't remember any person.

Q. Why do you say generally, then? A. Because I know that other people have used that.

Q. Give me a name. A. I cannot do so.

Q. Not one? It is only a short time; your memory is very short. Now, then, did you give one to Mr. and Mrs. Barker? A. I don't remember whether I did or not. I don't remember giving them any recommendation. I don't remember their asking me for any.

Q. Well, now, have you ever said in substance this: that since Mr. and Mrs. Dudley left, the insane department had been running down in the way it is kept, or any portion of it? A. I don't think I have said that.

Q. What? A. I don't think I have said that.

Q. Do you know whether you have said it? A. I don't remember ever having made any such remark.

Q. Will you swear you didn't? A. Well, I don't remember that I have ever had any such idea, — ever had any such thought.

Q. I don't ask your idea. Will you swear you didn't say that — in substance? A. It is a very difficult thing to say you didn't say a thing in the course of five or six years time.

Q. Not at all. A. I can swear I don't remember ever to have entertained any such thought.

Q. Now, did you find any fault with Mr. Dudley when there? A. I don't remember that I did.

Q. Find any fault with Mrs. Dudley when there? A. I don't remember that I did.

Q. Did you find any fault with Mr. Barker while there? A. I don't remember of any.

Q. Did you find any fault with Mrs. Barker while there? A. I don't remember any.

Q. Very well. Now, when Mr. Dudley went into the charge of that department, how long had that woman been confined up in that place in the attic? A. Without notes it would be impossible for me to state that.

Q. Have you got any notes? A. No, sir; none of those confinements.

Q. Let us see, now, about that. Are you sure about that — that you haven't any notes? A. If there are any, I don't know anything about them.

Q. Did you ever have any? A. I don't remember that I ever made any note about that.

Q. Now, did you make any notes about other people being confined? A. It was not my habit to make notes with reference to the part of the asylum where the inmates were placed.

Q. With reference to the part of the asylum where the inmates were placed; didn't you? Did you make any notes of the fact of their imprisonment on any book or record? A. All asylum patients are imprisoned; that is, they are under restraint.

Q. What? A. They are all under restraint — all the asylum patients. They are under the restraint of a keeper.

Q. I don't ask whether the asylum patients are under restraint or anything else. I ask whether you, as resident physician in charge of these insane people, made any record, in any way, of their imprisonment? A. I consider all insane patients in imprisonment, if you may use that expression, when they are in an asylum. I didn't, as I say —

Q. Is that the way you understand my question, on your oath, sir? A. I answered the question as I understood it in the first place; that I didn't make any record.

Q. Do you understand my question was whether or not you made any notes about their being there? Now, see where we

are. I asked you first about this woman put up stairs there in a hole. She being kept there, I asked you if you had any note about it, and you didn't remember, — didn't have any. A. I said it was not my custom —

Q. Very well. Then I asked you if you made any notes about any of the insane people that were imprisoned there, and you told me it was not the custom to make them about all, because you considered them all under imprisonment. Did you understand that that was a proper answer to my question — on your oath? A. Because I had previously answered, as I thought, the question in another way.

Q. Then you thought it was right to answer it that way because you had previously answered it wrongly before? A. No, sir; because I thought I had answered it rightly before.

Q. Now answer. There were people restrained there, put up in prison, put up in cells or apartments, or whatever you call it. Now did you make any memorandum or record of that imprisonment? Now you understand: answer. A. I made no record of the fact who was in any particular room.

Q. I did not ask who was in any particular room. I ask you again: when there were persons put in imprisonment, confinement, for good or bad reasons — I am not upon that now — was there any record made by you about that imprisonment or confinement? Answer that question. A. I have answered it. I made no record.

Gov. BUTLER. How long I have been getting that little bit of truth.

The WITNESS. I answered that before.

Q. Now, then, whose duty was it, if it was not yours, to make any such record? A. I kept no record. I don't know that it was anybody's duty.

Q. Then it was not done. Then that thing had been carried on ever since 1876, when you were there, — people being put in confinement and no record made of how long they were confined? A. If people are confined as punishment, those that are not insane, there is a record kept of that.

Q. What? A. If people are confined as punishment, those that are not insane, there is a record kept of it.

Q. I didn't ask about that. Then when a man had his senses there was a record kept; when one hadn't his senses, and was imprisoned, there wasn't any; was that it? A. I

don't think the word imprisonment should be used in reference to insane.

Q. But when one is shut up in a cell with nothing in it, that is imprisonment, is it not? It may be justifiable imprisonment. All the people in the State prison are imprisoned, but that is justifiable imprisonment? A. We have certain facilities for caring for them, and we use those to the best of our judgment.

Q. And one of those facilities is to shut them up in solitary confinement, is it not? A. They are put into a room where they can be cared for best. They would not appreciate anything better.

Q. No record of that. Now, then, when, on your oath, were you in that room upstairs before Mr. Dudley came there?

A. I made no record of my own personal visits, personally.

Q. I have heard all about your record. You didn't have any. Now, when were you in that room before Mr. Dudley came there? A. I cannot remember that.

Q. Will you swear that you were there within a week — up in that room? A. It is impossible for me to say anything about that, because I don't remember.

Q. Will you swear within a month — that you were there within a month? A. It is going back several years, and I could not give positive evidence about it.

Q. Then you would not undertake to contradict anybody by your evidence, who swore about what you did, because you cannot recollect? A. I have my own opinion about it, but I should not undertake to swear about it at all.

Q. Very well. Now, then, how do you know, if you don't know that you were there for a month, that the woman was not starving, as Mr. Dudley swears she was? A. I think I was there. I think the case was properly examined.

Q. Of course you think so. How can you swear that she was not starving if you cannot swear that you had seen her within a month? A. You might say the same thing of the whole three hundred.

Q. I have no doubt it was the same with the majority, but that is not the question. A. I cannot remember an individual case.

Q. Here was a woman confined up in this cell, you think because she would not keep her clothes on, or for some purpose of that sort; she was a disgusting object; she was subject to care and treatment, if there ever was a woman on earth who

was,—and you cannot tell us about it. Now, then, how soon after Mr. Dudley came there before she was downstairs? A. I cannot say definitely.

Q. Do you mean to say that she was not emaciated when she came downstairs? I want to see if your memory remembers just that and nothing else. A. I have a distinct recollection of the woman, having seen her repeatedly, the same as I remember a great many patients in the institution; that is all. I cannot remember the dates when I saw her. I cannot remember how she looked on any particular date.

Q. Very well. Then you won't swear that when she first came down stairs she was not emaciated, and that within a few weeks afterwards she was not fatted up? A. I don't remember ever to have seen her emaciated at all.

Q. What do you say? A. I don't remember ever seeing her when she was emaciated. I cannot swear definitely about individual cases that I don't remember about.

Q. Very well. Then you don't remember. We will leave that. Now, was that room filthy whenever you were in it? A. I have been in that room when patients had made it—when they had done what would make it filthy for the time being.

Q. Can you say how long, on your oath, it remained filthy, from your memory? A. I have every reason to believe—

Q. I don't ask your reasons to believe. That depended upon the brutality of one of those attendants. Now, then, I want your knowledge, not your conscience. A. That is what I am saying, on my conscience.

Q. I understand—not on your belief, but on your knowledge. A. How can I have definite knowledge about cleaning up a room, unless some—

Q. You don't seem to have any definite knowledge about cleaning up any room. Didn't you tell us when we were last together that you didn't think it was your duty to look into the cleanliness of all these rooms? A. I said, in a general way, it was my duty to regard the hygiene of the establishment.

Q. I understand that. But didn't you say expressly that these chronic insane patients were in charge of the superintendent, as you believed, and you didn't know that you had any duty about them as to their cleanliness? A. The ordinary cleanliness and care was under his charge.

Q. Then the extraordinary uncleanness was as much under his care, I suppose, was it not? A. It was something that I

considered proper for me to note, and to speak about to the officers.

Q. Where did you note it? Now, sir, is it not in institutions the duty of the resident physician to make notes of the condition of his patients in a book kept for that purpose? A. I have made notes.

Q. I didn't ask you that, sir. A. It is; yes, sir.

Q. We will come to that by and by. Will you answer my question? The difficulty is that you answer everything else but my question. My question is, whether, as you understand the duty of a resident physician, it is not the duty of the resident physician to keep notes of the condition of his patients. A. It is; yes, sir.

Q. What? A. It is.

Q. Now, sir, did you keep such notes? A. I did when they went to the hospital.

Q. Did you anywhere else? A. I have some few notes, but not many.

Q. Why have few, if not all? A. Cases where they were under special treatment in the hospital; when they required treatment they were removed to the hospital.

Q. Then your only notes are of treatment, meaning by treatment, medical treatment? A. Yes, sir.

Q. Have you any notes of any other condition? A. We have the general register which indicates their —

Q. What general register, the register of the institution? A. Yes, sir; the register of the insane.

Q. The register of the insane. I am asking about your notes. A. My notes were confined to their treatment when they were in the hospital, and their treatment in the hospital.

Q. Wholly? A. I won't say wholly. We had examination made of the insane.

Q. When did you have that made? A. When they came in. We had a general examination made of them in 1877.

Q. Any after that? A. And we had —

Q. Stop a minute. Any after that? A. Yes, sir.

Q. When was the next general examination? A. I was going on to say that that was an examination made by Dr. Putney, who was specially interested in thoracic diseases. He made that examination because he was specially interested in it.

Q. Did you make it? A. No, sir.

Q. Then why do you say "we"? A. You asked about notes.

Q. Notes that you made; not that Dr. Putney made. You know well enough, you are not so stupid — A. They were made under my direction.

Q. Were you there? That is, did you examine the patients? Didn't you just say you didn't? A. No, sir; I was not there.

Q. Then how were they made under your direction? A. I mean that I was —

Q. You were in the institution? A. I was resident physician, and I requested him to make them.

Q. What? A. I was resident physician, and I requested him to make them.

Q. And he made that? Any made since 1877, and who made it? A. I don't remember of any of which notes have been taken.

Q. No examination of which notes have been taken since 1877, by you or anybody else? Now, then, will you tell me whether there is anything to show the condition, — any record to show the condition of those insane after they went in there down to the first of last January, in that institution? A. When they were visited, and when they seemed to be in need —

Q. "When they were visited," — what do you mean by that? A. I mean that they were inspected by the physicians.

Q. "Inspected," — what do you mean by that? A. I mean that I visited them, or some other physician visited them, and if they were found to be sick, or to need — or to be run down in health so to need treatment, they were transferred to the hospital —

Q. We have heard that a dozen times, sir. A. — Then notes were always taken.

Q. Won't you show me those notes, sir? A. They are mixed up with the notes of the hospital cases.

Q. Any outside of hospital cases? Won't you show me those notes of the hospital cases? A. There is a hospital record of the sick insane.

Q. Where are they? A. That is downstairs. Register of sick insane, it is called.

Gov. BUTLER. Now, we will see what there is in that. [To Mr. Innis.] Bring up all of Dr. Lathrop's books; that is, all the medical books. While he is gone I will go to another thing.

Q. Did you know Charlotte Anderson. A. I did, sir.

Q. She was a Swedish girl, wasn't she? A. Yes, sir; entered that way. I presume so.

Q. And was employed about the house, was she? A. In the asylum.

Q. You call this in the house, every now and then, do you not? She was only employed in the insane asylum. A. She was in the insane asylum —

Q. Was she employed elsewhere? A. — All the time, except when she went to the foundling hospital with her child.

Q. What was she employed in doing in the insane asylum? A. General housework.

Q. In the cooking department? A. There is no cooking done in the asylum.

Q. In washing dishes? A. She did that part of the time.

Q. What else? A. I don't remember anything special that she did, except in a general way to help.

Q. She was harmless? A. She was most of the time.

Q. I mean up to the time she had her child? A. As near as I remember.

Q. You don't remember anything up to that time; she was suffered to go about? A. She was.

Q. Her phase of insanity was melancholy, was it not? A. When she was —

Q. When she was brought there? A. In a general way. She was not very melancholy, but it would be called that rather than anything else.

Q. Quiet and melancholy. Very well. Now, then, how long after she got there — how long had she been there before she was got with child by somebody? A. I should say it was about a year.

Q. About a year after. Up to that time she had behaved quiet and well? A. As far as I remember.

Q. As far as you know. Then she was got with child. When did she become excited and furious; before her delivery? A. About that time, she did.

Q. Could she speak English? A. Not very well; I think she could make herself understood.

Q. It was with difficulty, was it not? A. I think so; yes, sir.

Q. She had difficulty in making herself understood and she became very violent? A. She did; yes, sir.

Q. You attended upon her? A. Yes, sir.

Q. Now, then, did she undertake to show you what the matter was in any way? A. Well, it was evident to me what the matter was.

Q. I know. But did she undertake to tell you what she understood the matter was? A. She did; yes, sir.

Q. Did she undertake to show you by actions? A. She did; yes, sir.

Q. And at those times was she furious and excited? A. She was; so much so that she was in a private room, but not enough to be at all dangerous to any one that was in there at the same time.

Q. She would not try to kill anybody else? A. She would not try to strike anybody; she was sufficiently excited to make it desirable that she should be private.

Q. She was rather excited against herself than anybody else? A. It was the general condition of excitement of the mind.

Q. Excitement of the mind, excitement of action, and some very disgusting action, was it not? A. Yes, sir; it was.

Q. Very disgusting and painful. Well, she was delivered of her child? A. Yes, sir.

Q. How soon did she die after it? A. Ten months.

Q. How long did the child live? A. It lived eight or nine months—nine months.

Q. When was this? A. I have a note of that case. [Referring to a memorandum.] She died in 1877, I am quite sure.

Q. She died in 1877. What did she die of? A. Consumption.

Q. After delivery was she docile and gentle? A. She was most of the time.

Q. Nursed her child? A. Yes, sir: for a good portion of the time she did.

Q. And was healthy at that time, immediately after childbirth? A. Immediately afterwards she had a sickness. She was not very well for about a month or so.

Q. What? A. For about a month or so she was not well.

Q. And after that got well? A. After that she got well and went down to the foundling hospital with her child.

Q. And was she there employed as a wet nurse or employed

herself as a wet nurse? A. She took care — she nursed her own child.

Q. Nurse any other? A. I don't remember that she did.

Q. Do you know whether she did or not? A. I would not say about that.

Q. Didn't she take the children, wouldn't she take them up and nurse them? A. I don't remember that circumstance.

Q. You don't remember about that. How long did the child live? A. The child died about two weeks before she did.

Q. In her use of language could she do any more than tell about common things, such as bread, and knife, and fork, and such things? A. My recollection of her language is not very distinct, but I remember that it was imperfect.

[The books sent for were produced.]

Q. Now, won't you pick out that book which you say is the register of the insane? A. The one at the bottom is the register of the sick insane.

Q. Well, let us see what history of them was kept. Let us go to the case of Charlotte Anderson; she was sick and insane both, evidently? A. This is simply a register of those that went to the hospital and when they came out — those that were sick enough. It simply states the fact.

Q. Well, let us take Charlotte Anderson's case and see what she got? A. [Pointing out an entry on the register.] There is the entry, there. I will find the other here. [The book of obstetric cases.]

Q. I don't want that, sir, at present, until I ask about this. A. That is simply the register of those who went to the hospital.

Q. I want now to find the general register. The general register would show that Charlotte Anderson in 1877 had phthisis; was admitted March 9, 1877, to the hospital, for the phthisis; discharged from the hospital May 17; result, June third — I should say — died. Then there was no registry of this girl in the general register of the hospital, what has happened to her, except that she went into the hospital on the seventeenth of March of phthisis, and died on the third of June? A. That was the fact about the hospital register, about the sick. Then we had our obstetric register, sir.

Q. Your what? A. Register of births.

Q. Well, the birth is not exactly what is complained of.

Didn't she go into the hospital sick before the third of March?

A. She was under treatment as an obstetric patient.

Q. As what? A. As an obstetric patient — a lying-in patient; we didn't treat those in this hospital.

Q. I know you didn't treat them in this hospital. And this is all the record there is of that girl, although she was one of the sick insane. And that will apply to all these. Now, is this any record of the condition and treatment of these people?

A. That is in the other book.

Q. Very well; show me in the other book where it was kept. Let me look at it.

Mr. BROWN. You saw that record in the testimony of Dr. Marston.

[The witness pointed out the record referred to in the book of obstetric cases.]

Q. Did you keep this? A. Sometimes I kept it; it depends on who was attending the patient.

Q. Well, now, here is another record: "Charlotte Anderson, thirty, insane, was delivered of a child in August, 1876; after a very dangerous and long puerperal sickness, was discharged well, Oct. 16, same year; was then in good health. Went with child to No. 20." — that is the foundling hospital — "where she remained as assistant until Feb., 1877," — that is, from Oct. 16, 1876, — "when, becoming violent, she was removed to the asylum, her child being carried to her to nurse for a short time and then weaned. On May 13, she was admitted to the hospital, in a state of high fever; face flushed, complains of no pain, is very thirsty, no cough, slept well." Then comes the record of temperature — 102, 101.6, 102.1, 103, "this being the highest temperature attained, it averaging, morning, 101.2; evening, 102, till June 3, when she died. May 21, cough for the first time; removed to little room, as she is noisy in the ward, through active delirium. Sponge baths every day." Now, then, so far as this record goes, she hadn't any cough until she was in the hospital and some time after. Now, then, we have got in this register that Charlotte Anderson was put in the hospital for phthisis; but this record is that she was admitted to the hospital in a state of high fever, face flushed, complains of no pain, is very thirsty, no cough, slept well. That condition of things might have been produced by arsenical poisoning, might it not, for all you know? A. But when we made the autopsy —

Q. But the autopsy was not made until long afterward: this was made when she went in? A. It is proper to state the circumstances.

Q. I don't ask whether it is proper or improper. I say, would not all these symptoms when this poor woman went into the hospital — couldn't they have all been accounted for by arsenical poisoning? Let me read them: "She was admitted in a state of high fever, face flushed, complains of no pain, is very thirsty, no cough, slept well; temperature 101, 102, 103, etc." Now, Doctor, as a physician, — because I have had some experience in arsenical poisoning as a lawyer, — are not all those symptoms, stopping there, entirely consistent with arsenical poisoning? A. Arsenic, administered by the stomach, generally causes irritability of the stomach.

Q. I didn't ask that — about the irritability of the stomach? A. I mean that that is a prominent symptom of arsenical poisoning.

Q. I ask you a simple, plain question: Isn't every one of those symptoms — I will go to some others by and by — consistent with arsenical poisoning? A. They are consistent with a great many conditions of the system.

Q. Why do you dodge? I don't think you gave it. I ask you that simple question, not whether those symptoms might not be something else, — they are not of consumption, by a long chalk, — whether they are consistent with arsenical poisoning? A. I should not state the symptoms of arsenical poisoning in that way. In a case of arsenical poisoning —

Q. I don't ask you that, because I don't know whether you would state it properly. Now, whether those symptoms are consistent with arsenical poisoning? I will read them again, sir, so there won't be any mistake about it: high fever, face flushed, complains of no pain, is very thirsty. A. I never knew of a case of arsenical poisoning but what had pain.

Q. Have you ever known one in your life? Ever had one? A. I have read of a good many.

Q. Did you ever have one? A. Never had one to treat.

Q. Then you don't know anything about it? A. I know something by reading.

Mr. BROWN. He might make the same remark with regard to you; you never treated one, and therefore you don't know anything about it.

Gov. BUTLER. Pardon me. There is a mistake you have made.

Mr. BROWN. You have treated them?

Gov. BUTLER. I have treated them. And this is my advantage: in my case they didn't die; they were not treated in Tewksbury. The difficulty was, I was treating myself. I know all about it.

Q. Now, sir, did those symptoms describe phthisis at all?

A. They did not describe phthisis; no, sir.

Q. In any form. Looking at the person, then, with those symptoms, why should you claim phthisis at that time? A. I don't know that phthisis was claimed at that time.

Gov. BUTLER. Very well. Let us see whether it was or not. [To Mr. Records.] Find me Charlotte Anderson's case again.

The WITNESS. The diagnosis in that book might have been added afterwards. It was not always put in at the time the person was admitted.

Q. Then the records of the diseases of the insane were not put down when they were put into the hospital? A. It is so with all the cases if they are doubtful.

Gov. BUTLER. See where you are, Doctor.

The WITNESS. I know where I am.

Gov. BUTLER. I asked you if there was a record kept of the diseases of the insane, and you said yes; I asked you where, and you said in the register; I got the register, and here it is, Charlotte Anderson —

The WITNESS. Yes.

Mr. BROWN. There is no statement, Governor, as to the time or stage of the disease when that record is made.

Gov. BUTLER. Pardon me; that is what you don't know, because you haven't got it, and I have. Now, don't undertake to tell what you don't know, because that would take a great while. "Charlotte Anderson, phthisis, May 13, died June 3, discharged by death the third of June." Now, then, let us see; that is the record of her being carried into the hospital.

The WITNESS. It is the record of her death, too.

Q. Now, then, on May 13 she was admitted to the hospital, Not a word about phthisis, or anything that describes phthisis. She never had it. She didn't even have a cough. She coughed for the first time May 21st, and was admitted on the 13th of May. She had been there a week. Now, there is a record of what she was — if it is a true record — that she was admitted

on the 13th of May, with consumption. The record in the book is that she hadn't consumption at that time at all. No record; no thought of it, because she was in a state of high fever. A. The record indicates that her disease had commenced, but it hadn't progressed sufficiently far to be detected by the physician so as to make his diagnosis.

Q. That is to say, when she went there on the 13th of May you could not have told she had consumption? A. There is no record that the diagnosis was made —

Q. I don't ask that. I know what the record is. Is there anything to show that she had consumption the day she was admitted? A. The history of the case shows that she must have had it.

Q. I don't care whether it shows she must have had it. Will you answer my question. Is there anything in the case on the 13th of May that showed she had consumption? A. Not positively; no, sir.

Q. Positively or approximately — anything about consumption there on the 13th day of May? A. No, sir; except the fever.

Q. Very well. Then afterwards you found she had consumption — after she died. If there was nothing to show that she had consumption on the 13th of May, why was she recorded as having been put into the hospital with consumption on that day? Now we have got down to it. A. When a case was obscure in any respect, the place for the diagnosis was left blank until it developed in such a way as to make it more positive.

Q. That is, the place for what she was sent to the hospital for was left blank in the record, when you didn't know enough to know what the matter was? A. In a great many cases we don't.

Q. You know when a person has the consumption, don't you? A. Sometimes you do and sometimes you do not.

Mr. BROWN. The testimony is that that record was not made until after June 3d. The testimony of Dr. Marston, on page 1713.

Gov. BUTLER. I agree. It was written out from his notes. This was a day by day record, extended on this book.

Q. When you put her in the hospital she had high fever, and you put her in because she had consumption. She had had a very violent puerperal fever before. Had she any friends? A. I cannot say about that.

Q. Don't you know? A. I don't remember that she had any.

Q. Don't you know that her sister called there to see her? — And, I thank God, is alive. A. I remember now that it was in testimony.

Q. In testimony? Pardon me; it has not been in yet. A. Hasn't it?

Q. No. A. Well, I have heard somebody say so recently.

Q. Who said it? A. I cannot remember.

Q. Now, do you know whether her sister was there or not? A. I have been reading so much about the case that I cannot tell where I saw it or heard it.

Q. There never was a more distressing case than this on earth. Can't you remember about this one? A. Will you repeat the question?

Q. Can you remember whether this lady had friends? A. I don't remember; no, sir. I cannot remember a person.

Q. Do you remember anybody coming there for her? A. No, sir; I cannot.

Q. Do you know whether she was buried? A. No, sir; I don't know.

Q. Don't you know she was not? A. No, sir.

Q. That her sister — you treated this case, did you? A. In some parts of it; Dr. Marston a part of the time.

Q. Which part did he treat? A. He had the care of the women's hospital at the time when she was in the hospital under treatment for her last sickness.

Q. In her last sickness? A. Yes, sir.

Q. And you had the other? A. I think I did.

Q. Don't you know you did? You have told us what took place on that occasion? A. Yes, sir.

Q. Now don't try to get away from that. Did you make that record of that case? A. No, sir.

Q. Then you have made no record of it at all? A. I made that other record.

Q. Which one? A. The record you read from the register.

Q. That is your handwriting? A. Yes, sir.

Q. When was that made? A. I only know from its general appearance. It was made from time to time.

Q. Was that record of Charlotte Anderson made within a week of her death? A. I made those records.

Q. The part, the entry of the case was made at the time when she went to the hospital? A. Yes, sir.

Q. Then the record of the diagnosis may have been put in at the time after the autopsy. And the record of death was made, of course, after the death. So it was made at different times. Do you know whether her friends were notified? A. I cannot say about that. That was done at the office.

Q. Now, won't you show me any books that you kept, your daily record of any of your patients? A. Most of my histories are not here.

Q. Why not? A. I mean they are not in this room. They are downstairs. There is a large bulk of them. These are the ones that are the most remote, the farthest back.

Q. I want what the surveyors would call the field-books? A. Those are downstairs. Those are end books.

Q. I want those about Charlotte Anderson's time? A. That is the record of Charlotte Anderson's case. We didn't save any day-books at that time.

Q. Pardon me: have you any day-books; that is, regular record of your patients as you found them in the hospital, covering any time — Well, bring me all of those books, so we shall have no dodging about it; the books open at the end — bring them up here. A. We have no registers of histories, or day-books, save and except those that you see here, at Charlotte Anderson's time.

Q. Since Charlotte Anderson's time? A. At Charlotte Anderson's time.

Q. Have you any before? A. Or before either. I think these go back as far as I was there.

Q. Did you have any books while you were there but these, or do these cover your time and you haven't any others? A. Well, yes; he has gone to get the recent ones.

Q. Precisely. And those go clear down to date? A. No, sir; these don't come up to date, they only come to about 1877.

Q. Only to 1877? A. I think that is about the time — or 1878.

Q. Then have you any record of that sort since 1877 or 1878? A. Yes, sir. He has gone to get them.

Q. During the time of her pregnancy, the latter part of it, was she delirious most of the time, in addition to general insanity? A. No, sir; she was not.

Q. After she got well, I suppose she was as well as ever she

was? A. When she was down at the foundling hospital — yes, sir.

Q. When she, in the language of this report, was an assistant attendant there? A. Yes, sir.

Q. She was then in a condition of mind to be allowed to be with her child up to the time when she grew delirious of this high fever? A. Yes, sir.

Q. Doctor, did you know Eklund? A. I cannot recall the man. I presume I knew him. I cannot remember him.

Q. Did you ever see a man there with tattooing on his breast? A. I have seen a good many with tattooing, but I don't recall any such as described in the testimony. I have seen a good many tattooed; it is a common thing among our inmates.

Q. Tattooed upon the breast and other parts? A. They were, often. It was so common I never paid much attention to it. Some are tattooed on various parts of the body in various ways.

Q. You don't remember him at all? A. I cannot bring him to mind; no, sir.

[The books last sent for were produced.]

Q. These were your books, were they not? A. Some of these were in my handwriting.

Q. Well, find those in your handwriting? A. [Selecting a book.] That is my handwriting.

Q. Very well; give me that. Do you remember that girl's name that was up in that room, that Mr. Dudley brought down? A. What was her name?

Q. Nutt, or some such short name. Was it not Mary Ryan? A. I don't think that was the name.

Gov. BUTLER. Won't you look at the testimony — somebody — Mr. Dudley's testimony?

Mr. BROWN. There was a Mary Barron spoken of by Mr. Dudley.

The WITNESS. Mary Barron?

Gov. BUTLER. Mary Barron.

Q. Is this book in your handwriting? A. That is, there; yes, sir.

Q. Althea Hammond, an insane woman; that you have opened to right now. [Selecting another book.] Now, try this one. Is this your handwriting? A. I will tell you where it is mine. [Opening the book.] That is where mine begins.

The physician who happened to be in attendance in a ward wrote the notes.

Q. Now, sir, tell me if you can, from that record, how frequently you were in the hospital? A. I cannot do it. I made a note July 9, here; I made one July 10. I may have been in the hospital three or four times that day. I didn't make any note of my own movements.

Q. What? A. I didn't make any note of my own movements.

Q. Show me anything to indicate you were there July 11 or July 15? A. There was a note made July 11.

Q. Well, go on. A. July 12.

Q. Yes; go on. A. July 13.

Q. Yes. A. July 14.

Q. Yes. A. July 15.

Q. Yes. A. July 16.

Q. Yes. A. July 17.

Q. Yes. A. July 18.

Q. Yes. Then you did make notes of your own movements? A. It don't show how many times on those days I visited the hospital.

Q. But you were there on those days? A. Yes, sir; I will swear to that.

Q. And those were the notes made of certain persons? A. Yes, sir.

Q. Now, take this book [a third book] and show me your handwriting there? A. My handwriting don't occur in this book.

Q. Not at all? A. No, sir.

Q. Whose is that? A. This is Mrs. Dr. Abbott's.

Q. Mrs. Dr. Abbott? A. Yes, sir.

Q. Is that the same? [Referring to another book.] A. That is mine, sir.

Q. All of it? A. I don't know that it is, the whole book; but that particular place you point to, is. [Referring to another page.] That was Dr. Foster's.

Q. Doctor who? A. Dr. Foster wrote that.

Q. I believe I have now gone over these and found out in whose handwriting they are. I shall want to use them some time. [Producing the piece of tattooed skin.] Did you ever see that on a man's breast? A. I don't remember ever to have seen it.

Q. Will you swear you didn't? A. I will swear that I don't remember ever to have seen it.

Q. I have heard you swear you don't remember. I want to know if you will swear you never saw it? A. I could not swear that, because I have seen so much tattooing.

Q. That is very remarkable, is it not? A. I have seen a good deal that is very extensive on our people. I should think that was a very good specimen.

Q. Can you tell now whether you saw it or not? Didn't the patients talk about that? A. I have no recollection of ever having seen it at all, sir; if I ever saw it, it passed from my mind at once.

Q. Did you see the bodies after death at all? A. Yes, sir. Some physician always saw the body; it was not always myself.

Gov. BUTLER. Now, let us see when that man was there; because it is not so long ago. Mr. Records, won't you let me have the record of Eklund?

Mr. RECORDS. I have his death here; August 3.

Gov. BUTLER. [Reading.] "Charles J. Eklund; condition as to wife, unknown; 64 years; cause of death, senile dementia; occupation, laborer; place of birth, Sweden; name and birthplace of parents, unknown; birthplace, Sweden," — oh, yes; residence and place of death in that column. Mr. Chairman and gentlemen, there is the name of the clergyman who is supposed to have attended his funeral. Father Gigault attended his funeral. French only attended one on all that page.

Mr. BROWN. Father Gigault said he didn't.

Gov. BUTLER. Pardon me. He doesn't say he didn't; he only says he don't know about it.

Q. Now, that was not a great while ago? A. Four years, was it not?

Q. Yes. A. Well, I don't recall the man definitely.

Q. You recall that you have seen this? [The piece of tattooed skin.] A. I don't remember that I ever saw it before.

Q. I don't mean in this state, but when it was on the man's breast? A. No, sir; I don't remember ever having seen it.

Gov. BUTLER. I don't believe I want to trouble you any further.

Mr. BROWN. I have one or two questions I want to ask.

Re-direct examination by Mr. Brown.

Q. Did you find as a matter of fact that these women who were delivered of children there were willing to nurse these foundling babies? A. They would not do it without pay; they wanted pay when they were asked to do it.

Q. Now, I would like to ask you this: whether, when this matter was talked over with the trustees, the question of an insufficient appropriation was not always mentioned as the reason why they could not be employed? A. They always said they hadn't the means.

Q. Now, you said a few moments ago, or earlier in the morning, that there was a certain reason why you gave Dudley such a recommendation as you did give him. What are we to understand by that? A. I should say the same as I said to the governor, that I gave him the recommendation because I knew no reason why I should not; that I had nothing to say against him while he was there.

Q. You say you knew no reason why you should not give him such a one as you did. What did you mean by that term, "such a one?" A. One that would be proper to give an attendant in a hospital.

Q. (By Gov. BUTLER.) To go and get another place with, I suppose? A. That is it.

Q. (By Mr. BROWN.) Did you know anything about the merits of the matter of his discharge, — why he was discharged? A. I asked the superintendent if he desired that he should be discharged, and he said most emphatically that he wished to have him discharged; and that he should not be satisfied if he remained.

Q. At the time you gave him this recommendation did you know he had been discharged from the hospital in Augusta for drunkenness when on duty? A. I knew nothing about that.

Gov. BUTLER. And nobody else.

Mr. BROWN. Except that his wife testified that she knew something about it.

Q. Do you know of any need which exists for any such record in the hospital as the governor has spoken to you about? Or rather I should say in the insane department, because that is what it applied to. Do you know of any need, can you conceive of any good that could possibly come from keeping a

record when an insane person is put into one of those rooms that you have referred to? If you can conceive of any need of it, or any good it would ever serve anybody, please let us hear what it is? A. I didn't think there was any need of it, and that was the reason I didn't do it. — no advantage to be gained from it.

Q. All the insane are in a building, are they not, where there are bars at the windows, for the most part? A. All except the sick.

Q. All except the sick insane? A. Yes, sir.

Q. So that they are really imprisoned and restrained? A. They are not allowed to go out except in the yard, which is also enclosed.

Q. And the mere matter of their being taken from the general room for the use of other insane, and put into a separate room by themselves, you don't consider that of sufficient importance to make a record of? A. That is it.

Q. That is the fact, is it? A. Yes, sir.

Q. Now, Doctor, take this case of Charlotte Anderson. Did you know of any evidence of the existence of consumption prior to the time of the birth of the child? A. I did not.

Q. Well, is it any unusual thing for a person who is insane to have consumption? A. It is a common cause of death among that class of people.

Q. Well, is it not more common among the insane than it is among those who are sane and in hospital? A. It is; yes, sir; according to my recollection of the statistics on the subject.

Q. And according to your personal observation, how is it? A. It has been so at Tewksbury.

Q. Now, I would like to know what is the fact, or what is the reason for the fact, that in so many cases consumption develops in insane patients, and the patient dies of consumption? A. I think there are several causes; one is their lack of intelligence to enable them to take care of themselves in keeping out of draughts, and such things as that; another is the depression of spirits arising from their disease; and another matter, — perhaps depression of spirits would cover the whole that I want to express.

Q. Now, Doctor, do you know — you say that you have possibly heard, might have heard, something of the sister of

this Charlotte Anderson. Did you hear what her name was? A. No; I have no recollection of her.

Q. You don't recollect that she called there, if she ever did?

A. No. Friends of the insane often go directly to the asylum without seeing anybody of the officers except the supervisors of the building.

Q. Now I want to ask you in regard to the records of Charlotte Anderson, and other records. Whether those records — for instance, take that of Charlotte Anderson — are those records made up and put into that book from day to day as the history of the patient develops or as the disease develops?

A. The record of Charlotte Anderson was written several years ago. It was the custom of the doctor to use a note-book similar to what we have here, written with a little less care, to go to the dispensary after he had been through with his visit, and make a note on this other book. Sometimes he would write it and save his notes. It would depend upon circumstances.

Q. Now, was it frequently the case that those notes were not written out until after the death of the patient? A. I don't think that was often the case: I could not recollect so long.

Q. Well, Dr. Marston said that he made that record somewhere about the third day of June. She was put into the hospital on the thirteenth day of May. Well, how was it in your own case: did you make these records up yourself from day to day? A. Those records that I read are all made from day to day.

Q. Well, now, you have been asked about flowers, etc. Well, Doctor, there is quite a large area in the centre of this institution that is used as a sort of a flower-garden, shrubbery, etc., in the summer time, is there not? A. There is.

Q. The conservatory is open to the public gaze, is it not, always? A. It is.

Q. Now, in your judgment, — to say nothing about the amount of money, — but, in your judgment, Doctor, has that ground where the flowers have been planted and cultivated, and has that conservatory, where they have been kept in winter, been of any beneficial use whatever to these sick people? A. I think it makes the grounds very much more pleasant.

Gov. BUTLER. That is not the question; the question is, beneficial use to the sick people.

Mr. BROWN. I suppose if the grounds were pleasant it would be a benefit to sick persons.

Gov. BUTLER. If they could see them, yes.

Mr. BROWN. Well, they are not all blind up there, nor near sighted, either.

The WITNESS. In that way it would be for their benefit, walking about the grounds and seeing the plants and flowers.

Q. Now, isn't it a fact that your insane and your convalescents and well people loiter about these grounds and sit there by the hour, day after day, in pleasant weather, throughout the year? A. Yes, sir.

Q. A pleasant morning like this, Doctor, there would be 150 or more loitering around about these grounds, wouldn't there, sitting on the settees? A. I should think so; yes, sir.

Q. That is no unusual occurrence, is it, Doctor? A. In good weather.

Q. In good weather. A. Yes; that is about the way of it.

Q. And that is what these grounds are kept there for, is it not, Doctor? A. The buildings are so constructed that there is an area in the centre which gives an opportunity for the patients to walk out without being outside the bounds.

Q. (By Gov. BUTLER). Are these flowers in the area? A. How large an area?

Q. Are these flowers in the area? A. Yes, sir.

Q. (By Mr. BROWN.) The conservatory, Doctor, is right in the centre of that area, isn't it, or nearly in the centre? A. Yes, sir; just about the centre.

Q. And the flowers and shrubbery are planted around in different places about these grounds? A. Yes, sir; right about the grounds.

Mr. BROWN. [To Gov. Butler.] You see you labor under a disadvantage in not having been there.

Gov. BUTLER. Not at all.

The WITNESS. About six or eight acres, I should say.

Q. Now, there is a question which I meant to ask you, and with the governor's permission I will do it now. You have had a great many occasions, I suppose, since you went there in 1875 down to the present to refer to these registers of one kind and another kept by Mr. Charles Marsh? A. I have.

Gov. BUTLER. You put me in mind of a question I want to ask.

Q. Now, I want to ask you if you recollect any time when

these registers were not kept up to date? A. I think he has been almost invariably all written up to date.

Q. And all carefully written so that all the data which you desired were ready at hand in the proper books? A. All that belonged to my department; all that I had occasion to go to.

Q. As far as you had occasion to consult them they were accurately and neatly kept? A. They were.

Q. The record of admissions, discharges, births and deaths, etc.? A. Yes, sir.

Q. Doctor, you were asked with regard to tattooing, and you said that a great many people you found in that institution had tattooing. A. Yes, sir; a great many.

Q. Did you ever have any means of knowing whether the men who had tattooing upon their persons were seafaring men? A. Usually, I should say.

Q. Do you know whether or not there exists among the seafaring men a custom of having some emblem of the Catholic Church tattooed on their bodies, so if they are wrecked or cast into some Catholic country and die, that they will receive Christian burial: do you know whether such a custom as that exists? A. Well, I could not say: I don't know about that.

Q. Have you seen these emblems of the Catholic Church upon the bodies of persons who were not Catholics? A. I don't remember anything with reference to their religion in connection with their tattooing.

Re-cross examination by Gov. Butler.

Q. Charles Marsh swore that these books were all in his handwriting, except some marks made by the doctors. There is [referring to the book] H, B, D. B. H, H, H, H, — A. No, sir; these are not made by me.

Q. Who made these? A. I don't know: I have no knowledge about it at all.

Gov. BUTLER. You have no knowledge. [To the chairman.] I want you to see them; we say that that is Harvard, Boston, Dental College. [Book handed to the chairman.]

The CHAIRMAN. Where is the mark, Governor? [Mark pointed out.]

Gov. BUTLER. Where is the old death-book? We sent for it yesterday and it hasn't come. There are only a few there. [Referring to the book handed to the chairman.] That is a new book. The old book, which was carried off they say, to make

up the last month's report, — although they haven't had the books for a month and I don't see how it could help them —

The CHAIRMAN. What do you suggest the B is for, Governor?

Gov. BUTLER. B is for Boston College, H is for Harvard, and D is for Dental College. We will endeavor to trace them.

Mr. BROWN. That, I suppose, isn't evidence?

Gov. BUTLER. It is going to make up a certain sum which will be in evidence by and by. But I want now, Mr. Chairman, the old death-book, which I can't conceive there was any occasion of taking away.

The CHAIRMAN. Mr. Brown, do you know anything about it?

Mr. BROWN. I don't know anything about it, nor are my clients in —

The CHAIRMAN. They said they wanted it to make a return to the state board, and I told them they could take it, and bring it right back; whether that is the book or not —

Gov. BUTLER. The chairman can perceive it could not be that book, for that is an old book.

The CHAIRMAN. [To Mr. Brown.] Is Charles Marsh down here?

Mr. BROWN. He is not.

The WITNESS. I asked him about it, and he said it was down in the committee-room, as far as he knew anything about it.

The CHAIRMAN. We will make thorough search; we will have the book, Governor, if it is in existence.

Gov. BUTLER. I wish the book could be found, because I need it for this. We want the marks on it, although we have a memorandum of them.

Q. Well, then, whoever swore that these marks were made by you made a mistake, certainly? A. He did, sir.

Q. Can you tell by the looks whose handwriting these are? A. No, sir; I could not tell.

Q. Can't you tell? The capital H's are pretty thoroughly developed. A. I could not tell; they look, in a general way, like Charles Marsh's writing; I should not think of their being any different, but I don't know. I have not examined them closely enough, and I am not an expert in handwriting.

Mr. BROWN. [To Gov. Butler.] Where do you find Father

Gigault here? [Referring to the book.] This gives the residence, and gives the death.

Gov. BUTLER. Every one is accounted for by French or Gigault. It is a false heading, but it is all right.

Mr. BROWN. Now, these in red ink are what you claim. Governor?

Gov. BUTLER. What?

Mr. BROWN. These letters in red ink are what you want to call the attention of the committee to?

Gov. BUTLER. Just now.

The WITNESS. The only marks that I have made have been in this column [referring to the book], occasionally of a diagnosis. For instance, I would write the disease instead of telling him to write it.

The CHAIRMAN. Governor, there was a letter sent in June 8, asking for certain books, in order that the physician there could complete his records before leaving, and, among the books asked for, was the registry of deaths; is that, probably, the book?

Gov. BUTLER. Yes.

The WITNESS. That is the book you have.

Gov. BUTLER. We have this book, but the one I want is an old book; this commences in 1879.

Mr. BROWN. Mr. Chairman, by whom is that letter signed?

The CHAIRMAN. By Mr. Sanborn.

The WITNESS. These books have been returned.

The CHAIRMAN. All returned?

The WITNESS. All except one book on obstetrics.

The CHAIRMAN. Has that book ever been here?

Gov. BUTLER. Yes, sir; we have memoranda from it; haven't you, Mr. Records?

Mr. RECORDS. Yes, sir.

Q. Now, I want to ask you, Doctor, about a man — I have got a letter about him since almost since I finished with you. Do you remember the case of Thomas Nutall, who died June 5, '82? A. I do, sir.

Q. He had been there about eight years, hadn't he? A. I could not tell the exact time without referring to the records.

Q. About that; a long time? A. I should say he had been there some time.

Q. Was his ankle broken — was he run over and had his ankle broken? A. I think likely. I have not read the record

for so long I could not tell, on the spur of the moment, what his exact injury was. He had some trouble of that kind.

Q. Won't you look to some record and see, if there is any. Here is a man who got his ankle broke — A. That is my recollection, sir, with regard to the case.

Q. Do you also recollect it was never set? A. I do not.

Q. Do you know whether it was set or not? A. I should want to look it up before making any statement about that.

Gov. BUTLER. Look it right up, sir; here are all the records.

The WITNESS. When did he die?

Gov. BUTLER. He died June 5th, 1882. His name is Thomas Nutall. You will find it there.

Mr. BROWN. [Referring to the register.] Thomas Nutall, 43,870, June 5.

Gov. BUTLER. Give us his whole record.

Mr. BROWN. Sex, color, other than white, MM.,— I don't know what that means.

Gov. BUTLER. Masculine.

Mr. BROWN. Masculine, white, condition unknown, 39 years of age, disease,— I don't know; you will have to translate that, Doctor. It is written so I can't read it.

The WITNESS. What is that? [Looking at the book.] That is purpura.

Mr. BROWN. [Reading.] Residence and birthplace,—French; occupation, unknown; place of birth; residence. French is the clergyman, I guess.

Gov. BUTLER. Yes.

Mr. BROWN. Place of birth, England.

Gov. BUTLER. Yes; that is the clergyman.

Mr. BROWN. Place of birth, England.

Gov. BUTLER. What was the cause of his death?

The WITNESS. That was a constitutional disease, similar to scurvy.

Gov. BUTLER. Where is it about his ankle?

The WITNESS. I don't see any record of men in 1872. [Referring to the small books.]

Q. Perhaps you will remember another thing; wasn't he starved? A. When does it say the accident occurred?

Q. Very well, Doctor; I need not trouble you; I can find it myself when the time comes. I only ask you if you don't know he was starved, that is all? A. I don't think he was starved.

Q. Do you know whether he was or not? A. I know he could not have been starved.

Q. Could not have been starved; and you don't know that his ankle was reset? A. I have no recollection about his ankle.

Q. Yes; you had a recollection it was broken. A. I remember that.

Q. Well, go on; tell us what you do remember about him? A. I remember that there was such a man and I remember that he died, but the particulars of his case I can't recall.

Q. No; but did he have his ankle broken? A. That is really the state of the case; I could not recall it without records.

Q. Well, I am not about what the state of the case was; but did he have his ankle broken, or do you want to take that back? A. I can't remember about that.

Q. Can't remember; well, we will find somebody blessed with a better memory in good time. Dr. Otterson has been discharged lately, hasn't he? A. Yes, sir.

Q. On your recommendation? A. It was on my recommendation that he resigned.

Q. He resigned on your recommendation, and for cause? A. His conduct was not becoming.

Q. How lately? A. Since, — well, within the past few months I have noticed that he was not conducting himself —

Q. I know; but how lately was he discharged? A. He was, — he left there, — his resignation was accepted at the last meeting of the board of health, lunacy and charity. He sent it in about four weeks previously.

Q. And they kept it till the last meeting and then accepted it; in the meantime he had remained there? A. Yes, sir.

Q. Was any part of his conduct writing false prescriptions anywhere to get things? A. Not that I know of; no, sir.

Q. Did you go down to Ballardvale or Andover to examine into that case? A. I did.

Q. Did he write a prescription so as to get a drink? A. It wa'n't what I should call a false prescription; he got what he asked for.

Q. Exactly. A. I understood by a false prescription one that was not —

Q. One that was not fitted to the case. He applied for what he wanted as physician of the almshouse, and got liquor when

he could not get it any other way? That was it, wasn't it? A. Yes, sir.

Q. (By Mr. BROWN.) Did he pay for it or have it charged to the Commonwealth? A. I suppose he paid for it; I have not heard anything to the contrary.

Q. What is that under the head of disease, there in the case of Thomas Nutall? You said that indicated something like scurvy; give us the full facts. A. It is a blood disease, making red spots upon the skin, and indicates a deteriorated condition of the system.

Q. (By Gov. BUTLER.) Poverty of the blood? A. It is allied to that.

Q. (By Mr. BROWN.) Something chronic, of course? A. Yes, sir.

Q. Do you recollect, in his case, how long that condition of things had existed? A. I could not tell the length of time.

Q. Do you know how long he was in the almshouse? A. No, sir; I could not say that.

Gov. BUTLER. He was there since 1874; and it is the very case I wanted, because no man gets scurvy with a well-regulated diet.

The WITNESS. Well, it was not scurvy.

Q. Now, what was,—in view of His Excellency's remark, please tell us more definitely what the disease was and what the cause of it was, if you know? A. It is quite different from scurvy in the fact that scurvy is generally attended with a sore upon the skin, which was entirely different from this, which was merely a deterioration of the system, attended with red spots and ecchymosis.

Q. (By Gov. BUTLER.) That means black and blue spots? A. Yes, sir.

Q. (By Mr. BROWN.) Now, what was the cause? A. I could not tell what it might have been in his case without more knowledge of the case.

Q. How frequently did you see him? A. I have not looked it up at all; I could not say without seeing my record.

Q. Well, did he ever complain to you that he didn't get sufficient food? A. I don't remember; I have no recollection of any such complaint.

Q. Do you know whether he ever complained to anybody else and it was communicated to you? A. No, sir; I have no recollection of any such complaint.

Q. Did you ever know anybody in the almshouse that starved? A. I never did; I never knew any one but what had —

Q. Till this investigation did you ever hear of anybody that was claimed to have been starved? A. I never did. Every person is allowed a sufficiency of good wholesome food. They sometimes complain that they would like different food from what they have, but they always have enough of such food as is provided.

Gov. BUTLER. There is enough there if they can get it; of that I have no doubt.

The WITNESS. And it is served in abundance.

Q. Is there any difficulty, so far as you have observed, about their getting it? A. No difficulty in their getting it, so far as I have observed.

Q. Did you ever hear any complaint that inmates could not get food there? A. I never heard any complaint that they could not get enough, excepting in rare instances, where, for some reason, they would not get what they wanted right away, — just as occurs in every place where food is distributed to a large number. There is an abundance of bread given to all; put on the table where they can have all they want of it.

Q. There was another question asked you which I meant to have called your attention to. Something has been said about cutting off the hair of these insane people; did you have any rule about that?

Gov. BUTLER. If there is one I should like to have it produced.

A. The rule of the institution is, both as regards sane and insane women, that the hair shall remain on.

Q. (By Gov. BUTLER). Is this in writing? A. What, sir?

Q. Is this in writing? A. The rule in writing? No, sir; it is the rule which I have observed to be followed.

Q. (By Mr. BROWN.) State it. A. That the hair of women shall remain on unless there is some special reason to the contrary; and I think, as a rule, the hair of insane women is allowed to remain on. A good many of them come there with their hair short from other institutions; and, in some instances, the hair has been removed for a definite reason.

Q. Well, such as what? A. Such as the inability of the patient to keep it in order on account of their habits or ways,

and, therefore, it is cut off. But where the patient is able to keep her hair up and is not disorderly, it is allowed to remain.

Q. (By Gov. BUTLER.) One word! You don't want to take back what you swore yesterday or day before yesterday, about this hair business, — that you didn't know how many of them had been cut off, and that was a matter which was done by the supervisor, attended to by him? A. I should not wish to take that back.

Q. Very well; now, then, I want to ask you another question. While there was plenty of food there, a poor fellow that was flat on his back and had to have food brought to him where he was, might not get it if the attendant didn't choose to carry it? A. There were side-tables.

Q. What? A. We have a table beside of each bed and the food is placed on it; and where patients are unable to feed themselves it is the duty of the attendant to feed them.

Q. Well, I understand, that is the question. There may be food, he may be starving in the midst of abundance, from inability to get hold of it, — we have had testimony about one or two cases of that sort. And, now, take this man, — how long was he flat on his back? A. You mean Nutall?

Q. Nutall. A. I say I can't give a statement of the case without something else.

Q. Now, were not these people fed, sometimes, by idiotic and insane people? These people who were not able to go to the table, — fed or to be fed? A. We employ inmate assistance, but we have very, — I don't remember any instance of that kind.

Q. Let me call your attention. A. But there might be an instance of that kind.

Q. Take that woman Byron, or whatever her name was.

Mr. BROWN. Barron.

Gov. BUTLER. Who was up in that room, — which you are inclined to call a room, — up there in that place in the attic? A. Well, it was a room, sir, a well-ventilated room.

Q. I know, excellently well-ventilated room; but wasn't her food carried up to her, or to be carried to her, before Dudley was there, by an idiotic girl, or partially idiotic? A. In the asylum they use the service of the inmates, and very likely it was so.

Q. I don't ask that question. I pray God you will keep to the question! I ask you whether the food used to be carried

up into that attic to her by an insane, idiotic girl or not, — now, answer that, and don't tell me anything else. A. It may have been so.

Q. May have been so; wasn't it so, on your oath? A. Well, I don't remember the individual that carried the food to her.

Q. I don't ask you whether you remember the individual. A. I could not tell you what her state of mind was.

Q. Can you tell me whether that was so or not? Dudley and Mrs. Dudley have sworn so, you certified to their good conduct, — now, will you swear that was not so? A. I can't tell you who carried it.

Q. Then you don't know enough about this poor woman who was confined up there for weeks to know what sort of a creature carried the food to her, or refused to carry it to her? That is your condition of mind, is it? A. I don't remember who carried the food on that occasion.

Q. And whether a fit person or not you don't know, and you never did know, either, did you? A. That is another thing. I can't remember who did those little things in the institution five or six years back, 1876.

Q. Then you won't contradict anybody upon that subject. Now, let us go a little to this disease; wasn't the disease which this man died of, what is sometimes called poverty of the blood? A. It is due to that; yes, sir.

Q. Due to that; now, doesn't poverty of the blood come from want of food, proper food? A. It may be constitutional or it may be due to the diet.

Q. What, poverty of the blood may be constitutional? A. It may be so.

Q. Well, if the man, up to the time he got his ankle broken, had plenty of good food, and got along well, if you should find poverty of the blood after that, you would ascribe it, in ordinary cases, wouldn't you, to want of food? A. Well, it might —

Q. What? A. I should not say it was necessarily want of food.

Q. Necessarily; but that would be a cause, wouldn't it? A. Might be a cause.

Q. Now, then, doesn't scurvy come from the same cause?

A. Scurvy comes from a want of proper food.

Q. Proper food? A. Rather than an insufficient supply, — proper food.

Q. An insufficient supply of proper food or not a sufficient supply of proper food, both. For instance, where the sailor goes around the world and there is nothing but hard-tack and salt-horse given him, he very frequently has the scurvy? A. Yes, sir.

Q. But the least giving him of vegetables, onions and vinegar, beets and carrots, and a little beefsteak, he comes right out of it in a few weeks, don't he? A. Sometimes he does; that is the usual history.

Q. Isn't that generally so? A. That is the usual history of these cases.

Q. Isn't that the remedy? A. Yes, sir.

Q. That is the remedy; now, then, wouldn't the same remedy apply to this case? A. I should not call this —

Q. What? A. I should not call this a case of scurvy; I should say it was due to general debility.

Q. General debility; and his blood was so poor that it settled in spots on his skin, leaving black and blue spots? A. Want of proper circulation.

Q. Yes; want of proper circulation. Now, you say that you asked the trustees of this institution for some money, for a little money to pay these poor girls for giving their breasts of milk to the foundling children, which would have saved their lives, and the trustees said the appropriation was too little, did they? A. They said they hadn't means for that.

Q. What? Hadn't the means? A. They hadn't the means.

Q. Now, did you say to them, "Well, hadn't you better stop the greenhouse and take that money to save these children's lives?" A. I don't remember what I said to them.

Q. Well, did you say that? A. I didn't say that.

Q. Very well; that is sufficient for my purpose. Now, then, will you, upon your oath, give an opinion whether looking at those flowers was of more benefit to the people, the well people, than the breasts of milk would have been to those foundlings, the breasts of mothers' milk? Which do you think, now, upon the whole, Doctor? A. I think the nursing would have been most valuable.

Q. Then, we have got this condition of things. You hadn't money enough to give breasts of fresh milk to dying foundlings,

but there was plenty of money to keep a greenhouse to put a daily bouquet on the table of Charles Marsh. — that was your condition, — the office table, and you never protested against it? A. I never had much to say about the greenhouse at all.

Q. I know you hadn't much to say about the greenhouse; but you let the greenhouse go on and the foundlings die for a want of a little expenditure, didn't you? A. I had no — I didn't regard the greenhouse as any part of my duty.

Q. I know you had no part to stop that, and the greenhouse went on, the flowers were sweet, and the foundlings were dead? That is the institution which you have been over for some years, isn't it? A. Well, we had the greenhouse, surely.

Q. Had the greenhouse; well, that is one thing; but you had the foundlings, and the flowers blossomed, and the foundlings died for want of money enough to buy them mother's milk. And there were 667 quarts of strawberries raised on the farm for the benefit of the employees and the officers, weren't there? Now, Doctor, don't you think it would have been better, really, upon the whole, to have let the strawberries gone and given the foundlings milk for half the expense? A. I didn't give much attention to the strawberries or the flowers.

Q. I know you didn't give much attention to them, nor anybody else except Mr. Marsh and those that had them. But that is the point: why didn't you say to the trustees, "If you haven't money, sell the strawberries and get the breasts of milk and save these poor creatures' lives. Sell the potted plants and give these poor creatures milk, if the State hasn't got enough." Why didn't you say that to them, as a humane man? A. I don't know.

Q. You don't know why? A. I didn't give much attention to the strawberries.

Q. You didn't what? A. I didn't consider it any part of my duty to make recommendation for the sale of strawberries.

Q. Ah; but wouldn't it have been well for you to have brought this to the attention of these trustees who were saying, "We haven't got money enough," and asked them if they could not cut off some of these things which were not as necessary as the milk was? A. They were expecting all the time that this system which was finally adopted would be adopted sooner than it was, and, therefore, they —

Q. They expected it sooner; but in the meantime, while you were expecting, — and that ran over a period of about six

years, as you testified day before yesterday ; you were six years expecting, — during these six years every child was dying for want of this milk. A. Of course we could not have had the syphilitic children wet-nursed.

Q. Oh, I know : but one syphilitic child is the only one there has been any evidence was in there. Now, you take refuge under that syphilitic child, do you? Why did all the others die?

A. Oh, I do not take refuge under that.

Q. Very well ; why did you bring it forward here, then?

A. I only spoke of it as being one class ; we had quite a good number of those.

Q. You would not have let the syphilitic nurse ; the women, probably, would not ; but why not let the rest? Why not? A. I don't know any reason than just as I have said.

Gov. BUTLER. That is all, sir.

TESTIMONY OF MARSHALL B. BEAN (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Marshall B. Bean.

Q. And you are one of the attendants in the Tewksbury insane department? A. Yes, sir.

Q. How long have you been there? A. Been there since March, 1880.

Q. You are the gentleman who was referred to by His Excellency on Wednesday as the man who had at some time been a barber? A. Yes, sir.

Mr. BROWN. Well, that is all I want of you ; His Excellency can question you further. That is all.

Gov. BUTLER. That is all. I will prove my case by some of my own witnesses.

Mr. BROWN. All right.

Gov. BUTLER. I don't want any liars from Tewksbury.

Mr. BROWN. [To the witness, who had left the stand.] Mr. Bean, come here a moment ; just take your seat here again.

Q. Did you ever cut off the hair of any insane person and sell it? A. No, sir.

Mr. BROWN. [To Gov. Butler.] He is your witness.

Cross-examination by Gov. Butler.

Q. Did you ever cut off the hair of any insane person? A. I did, sir.

Q. How many? A. I should say three or four; not more than that.

Q. No more than that? A. No, sir.

Q. In all the years you have been there? A. Three years, sir, next July.

Q. And only three or four. Did anybody else cut it off, to your knowledge? A. No, sir; not since I have been there.

Q. Not since you have been there. You had charge of the insane women, did you? A. I did, sir.

Q. How old are you? A. I am twenty-six.

Q. How long have you been there; since 1880? A. Yes, sir.

Q. What was your business immediately before going there? A. I went to Taunton in 1876 and stayed there till the fall.

Q. What time did you go? A. I went there in January.

Q. What time did you leave? A. I left in November.

Q. What did you go there to do? A. As an attendant.

Q. What? A. An attendant.

Q. An attendant on what? A. On the asylum, the hospital.

Q. As such an attendant, what was your business? A. I was attendant on the ward.

Q. What? A. Care of the insane on the ward.

Q. Had you ever had the care of insane before that? A. No, sir.

Q. And, then, in 1876, how old were you? A. I was nineteen.

Q. And, going there a boy of nineteen, you were put in charge of the insane on the ward, were you? A. I was not in charge, sir.

Q. What had you to do with the insane on the ward? A. I helped to take care of them.

Q. Who did you help to take care of them? A. In every way, every day; generally day and night, too.

Q. What? A. There was an experienced attendant with me.

Q. What? A. There was an experienced attendant in charge above me.

Q. And you were there for six months, from January to October; where did you go then? A. I stayed there till, with the exception of two months that I was sick, — I stayed there until the fall of 1879.

Q. Stayed where? A. In Taunton.

Q. What were you doing there? A. An attendant.

Q. The fall of 1879; in the same position? A. The same position; well, in different wards, the same position.

Q. In the different wards? A. Yes, sir.

Q. You then came to Tewksbury? A. No, sir.

Q. Where did you go then? A. I went home to Maine and stayed.

Q. How long? A. I don't remember.

Q. What did you do between 1879 and 1880, in Maine? A. It was in November, sir, I went home; I don't remember how long I stayed. I came back to Boston.

Q. What did you do? A. I opened a barber shop; I hired a man, who was an experienced man, to work for me.

Q. You went into a barber shop and hired a man who was an experienced man, who was a barber, to work for you? A. Yes, sir; I had no experience myself.

Q. And the next place you went was Tewksbury? A. No, sir.

Q. Where did you go then? A. I stayed in the barber shop about a month, I think; after that I engaged in business with Frank Barker in a provision store.

Q. What doing? A. A provision store.

Q. How long did you remain in the provision business? A. That was in January, I guess; I stayed there till I went to Tewksbury in March.

Q. What did you do from January to March? A. I was in the business, sir.

Q. In the provision business? A. Yes.

Q. What had you been doing before you went to Taunton? A. I was a farmer, sir.

Q. A farmer in Maine? A. Yes, sir; always lived on a farm.

Q. Do you know Mr. Medina in Lowell? A. Who, sir.

Q. Mr. Medina? A. I do not.

Q. Or in Lawrence? A. No, sir.

Q. What do you say? A. I don't remember I ever did.

Q. What did you do with the hair you cut off? A. I burned it.

Gov. BUTLER. That is all.

Q. (By Mr. BROWN.) Wait a moment. When you spoke of cutting off hair, you meant cutting off long hair? A. Long hair.

Q. How about the insane woman who had short hair; did they have it cut occasionally? A. Yes, sir; I have cut them several times since I have been there, perhaps some of them two or three times a year.

Q. That is, each person? A. Yes, sir; a great many of them were short when I went there. We had some. — I recollect of patients coming from four institutions in the State with short hair, and some of them would ask me to cut their hair off several times. Some have asked me that I never have cut off, because I didn't think it was necessary; but those who weren't able, — whom I thought it necessary to do it for, I did it.

Q. That is, those who weren't able to what? A. Who would not take care of it; and if you took care of it for them they would not do so unless you put them in restraint.

Q. (By Gov. BUTLER.) Unless you put them where? A. In restraint, sir.

Gov. BUTLER. Would not keep their hair right?

Q. (By Mr. BROWN.) So this matter of their wearing long or short hair depends on their ability to keep cleanly? A. Yes, sir; in cutting off long hair, it was.

Q. And in cutting short hair, more or less, it would depend upon the wish of the patient? A. Yes, sir.

Q. (By Gov. BUTLER.) Then there were only three during the whole time you were there but what were able to take care of their own hair, that had long hair? A. That had long hair?

Q. Yes, sir; only two or three that had long hair? A. No, sir; there were more than that that had long hair, but there were only two or three that were not able or would not take care of it or have it taken care of, that I cut off.

Q. Then you cut it off? Now, wasn't the hair of the patients cared for by the attendants? A. Yes, sir; the hair is combed regularly twice a day.

Q. When an insane woman would not have it cared for it was cut off? A. Those that I did that way were filthy, were very much affected with vermin.

Q. Very much affected with vermin? A. Yes, sir; I had one case—

Q. How long was she affected with vermin? A. It was a week before I got it clean, and I didn't then till I cut it off; I combed them every day.

Q. You combed them? A. I did that head; yes, sir.

Q. Every day; she just come in? A. She came from outside; yes, sir. I kept her in seclusion on account of other persons getting vermin.

Q. She was an insane person? A. Yes, sir; considered so.

Q. She came from outside; where did she come from? A. I could not say.

Q. You don't know? A. No, sir.

Q. Do you remember her name, so I can find where she came from? A. I think her name was Susan; I can't remember the other.

Q. What? A. Her name was Susan; I can't remember her surname, her Christian name.

Q. I can't pick her out among all the Susans. A. Well, I can't remember it.

Q. How old was she? A. I should think she was forty.

Q. There now? A. No, sir.

Q. Cured, or dead? A. I don't know; she was taken from under me; I don't know where she went, anything about it.

Q. Did you know Nutall? A. Nutter; yes, sir.

Q. What? A. Who?

Q. Nutall? A. No, sir.

Q. The man who had his ankle broken? A. No, sir.

Q. (By the CHAIRMAN.) How long were you in Taunton? A. I was there from the first day of February, 1876, until November 13, I think, 1879, with the exception of two months I was sick.

Q. Insane women have their hair cut off there? A. Yes, sir; I have seen many.

Q. You spoke of restraint; was there any restraint in Taunton? A. Yes, sir; we used it.

Q. Insane women? A. I was not in charge of a female ward.

Q. The same that you use in Tewksbury? A. What, sir?

Q. Was it the same kind of restraint you use in Tewksbury? A. Yes, sir.

Gov. BUTLER. He said he was not in the female ward there.

The WITNESS. The restraint we used in the male ward was about the same as at Tewksbury.

TESTIMONY OF MARY L. BEAN (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Mary L. Bean.

Q. You are the wife of the gentleman who just left the witness stand? A. Yes, sir.

Q. You are a Swede, are you? A. Yes, sir.

Q. When did you come from Sweden? A. I think it was in 1872.

Q. And when did you go to Tewksbury? A. 1880, in May.

Q. Did you go there with your husband? A. No, sir; I went after he did.

Q. After he did? A. Yes, sir; two or three months after he did.

Q. What do you do at Tewksbury? A. I am an attendant in the insane building.

Q. I want to ask you this question: do you recollect whether there is in the insane department, or any other department of the institution, boxes for the reception of letters, which are locked? A. Yes, sir; there is.

Q. And nobody in the institution has any key, that you know of? A. Yes, sir.

Q. Who keeps the key? A. I don't know; I have seen Mr. Sanborn come in frequently and open the boxes.

Q. Do you know the purpose of keeping those boxes? A. Well, I supposed it was —

Gov. BUTLER. Stop a moment; not your supposition.

The WITNESS. I don't know, I am sure.

Q. Can anybody, sane or insane, deposit any letter in these boxes? A. Yes, sir.

Q. And when that letter is deposited in that box there isn't anybody at the institution who can unlock it to get it out? A. No, sir.

Gov. BUTLER. How does she know that?

Mr. BROWN. I ask her; she has already said nobody but Mr. Sanborn had the key.

The WITNESS. I never saw anybody else have the key.

Q. Now, how long has that condition of things continued?

A. It has been ever since I have been there.

Q. And how much longer you don't know? A. No, sir.

Q. So if anybody had any complaint to make they could easily write a note and deposit it in the box? A. Yes, sir.

Gov. BUTLER. If they could write.

Mr. BROWN. If they could write.

Q. Did you ever see any people deposit notes in that box?

A. I have no knowledge of but two letters being put in there since I have been there.

Q. That is, you refer to the box which is at your department? A. Yes, sir.

Q. But there are boxes at the other departments? A. There are. These letters I have seen Mr. Sanborn take out twice; I don't remember he has ever taken out any more than twice.

Q. Of course you are not looking at this box all the time?

A. No, sir; I am not.

Q. You are attending to your various duties about the dormitory and ward. A. But when Mr. Sanborn comes there it is frequently half full of dirt, and he most always asks me to clean it out while he has it open, and in that way I have seen him; I don't recollect but twice he has taken out any letters.

Q. How did the dirt get in there? A. It has a place on the top for letters to drop in, you know, and the patients fill that up; put dirt in there.

Q. Patients, as a freak of fancy, fill up the box with dirt?

A. Yes, sir.

Gov. BUTLER. I guess she don't mean to say that.

Q. Is that what you mean to say? A. I don't mean to say fill it up, but there is almost always dirt in there when he opens the box.

Q. (By Gov. BUTLER.) Settled in through the slit in the top? A. I know one patient dropped a five-cent piece in there she had, and he found that.

Gov. BUTLER. She thought it was a savings bank, I suppose.

The WITNESS. Perhaps so.

Q. (By Mr. BROWN.) Now, were you in the same department with Mr. and Mrs. French, who recently left? A. I was.

Q. Who is in your department? A. Hannah O'Connell is the third attendant.

Q. The beds and bedding have always been kept clean since you have been there? A. Yes, sir.

Q. Have you ever known any cases of cruelty or abusive treatment? A. I have not.

Q. How frequently has the physician called there? A. Well, the physician always comes there every day, and oftener; if he is not in the room we call him.

Q. You call him? A. Yes, sir.

Q. Any lack of food there since you have been there? A. No, sir; we have had plenty of food.

Mr. BROWN. Mr. and Mrs. Bean, Governor, are the people you spoke of so creditably the other day, and I thought I would produce them. I turn this lady over to you now.

Cross-examination by Gov. Butler.

Q. When were you married to Mr. Bean? A. I was married in 1880.

Q. At the asylum? A. No, sir; just before I went there.

Q. What was his place when you got there? A. He was in the male hospital for the sick.

Q. In the male hospital? A. Yes, sir; in the sick hospital.

Q. And then he was put in charge of the women? A. When I first went there, for four weeks, I was in the sick hospital, too; in the women's hospital. And afterwards —

Q. And afterwards you and he were put in charge of the insane women? A. Yes, sir.

Q. How many of them have you now? A. Well, I can't recollect how many we had when we went there; it varies.

Q. About what? A. Probably about 125.

Q. Now, a little about this box, if you please. This box was a box which would hold letters, and it had a considerable of a slit in it to put in a package of letters or newspapers? A. Yes, sir; there was a slit on top.

Q. And the dust went into that slit and sometimes something else was put in there. Did Mr. Sanborn take out both of these letters at a time? A. I think not.

Q. When did you see him take out the first one? A. I don't recollect the time.

Q. Soon after you went there? A. Well, I could not say.

Q. Within a year? A. I don't think I could state the time.

Q. When was the last one he took out? A. The last one, I think, was last winter.

Q. This very last winter? A. Yes, sir.

Q. And should you say the first one was more than a year after you came there? A. I could not tell, sir; I could not state the time.

Q. Those two letters were put in there by somebody during that time; do you know who put them in? A. No, sir; I don't.

Q. Do you know to whom they were directed? A. I am sure I don't.

Q. You don't know that. And this box, which the legislature was wise enough to enact should be put there, has had two letters in it, out of an average of 125 patients, in three years? A. That is all I can say.

Q. That is all you know of; and, unless somebody had a key, and robbed it, —then there might have been more, but they didn't get any further. If it was honestly kept, then only two people dropped anything in it to their friends or anybody else during that time? A. That is all I can recollect, sir.

Q. That is all you can recollect. And each time that Mr. Sanborn came there he wanted you to clean out the dirt? A. He generally has done so; yes, sir.

Q. He opens it quite often? A. Well,—

Q. Once in three or four months? A. When he comes there he opens it.

Q. Every time he opens it; and he comes there once in three or four months? A. I think so.

Q. And he never has found but two letters in it when he was there; but he has found dirt in it sometimes, and always asks you to sweep it out, clean it out? A. Yes, sir; one of us; the one that is there.

Q. So all the people, if the boxes have been honestly kept, that have wanted to communicate with their friends and write letters in praise of Tewksbury to them, have only used that box twice in three years? That is the condition of things. Well, now, I suppose there is note paper and envelopes and postage stamps lying around on the tables, aren't there, in the insane department? A. I have never seen them, sir.

Q. Never seen any? A. No, sir. If they ask for paper we give it to them; but I have not seen any envelopes or stamps.

Q. Well, how do they get their envelopes and stamps? A. The letters, when they write them, they give them to us, and we carry them to the office, and there they are mailed,—those that write to their friends.

Q. Those that write to their friends; they are carried to the office and are left? A. Yes, sir.

Q. And are mailed to their friends or not; you don't know whether they are or not? A. I am sure I could not tell you further.

Q. You could not know it; that would be something you would not know. Do they write considerably to their friends, and have the letters carried to the office? A. Not very often; no, sir.

Q. Well, sometimes? A. Yes; sometimes.

Q. A good many more than two or three a year, I take it? A. Oh, yes, sir.

Q. A dozen a week? A. No, sir.

Q. Five or six a week? A. I should say not.

Q. Three or four a week? A. No; I should not think it was.

Q. Well, two a week, on the average? A. Sometimes they write two and sometimes not.

Q. And sometimes less; those letters sealed? A. When they are sent from the insane building?

Q. Yes. A. No, sir; they just write them and give them to us, that is, to the attendants, and we take them to the office.

Q. Without being sealed? A. Yes, sir.

Q. And without being put in an envelope? A. Yes, sir.

Q. And the rule of the institution is, I suppose, that they shall leave them unsealed? A. I am sure I don't know what the rule is; that has always been done so since I have been there.

Q. That has always been done so; that is to say, nobody can write any complaint — A. Since I have been there.

Q. Nobody can write any letter of complaint that is not seen, — or letter of praise, either, — that is not to be seen by the people at the office unsealed, or else put it in this box for Sanborn to see, — that is the condition of things, isn't it? And if they wrote complaints in their letters to their friends, that would be known at the office at once, because they could read them? A. I am sure —

Q. What? A. I don't know; I am sure I never read their letters.

Q. Of course you don't; they are nothing to you; you carried them to the office. A. I carried them to the office.

Q. And gave them to Charles Marsh, I suppose? A. I left them on his desk; yes, sir.

Gov. BUTLER. On his desk. Now, then, we have got this whole performance about the box.

Mr. BROWN. You have got the wrong box; that is all.

Gov. BUTLER. No, sir; this is the only box that is produced.

Mr. BROWN. I beg your pardon; the box I asked her about is a box in the insane building, which is accessible to all the inmates, and you haven't asked her anything about that; you have asked her about the box in which she deposited the mail.

Gov. BUTLER. Pardon me. I asked her about the box Mr. Sanborn opened twice and found two letters once in three years, and cleaned out every now and then when he came. I asked her all about that, and then I asked her what was done with the letters written by the insane inmates and patients there, and she says they are sent, unsealed, to the office, and there isn't any box to put them in there; they are laid on Charles Marsh's desk; so I have not got the wrong box. I only want the fact, and I am very much obliged to you for it, that they have not been able to make a complaint.

Q. Is there a box of the same description that you have ever happened to see in the other departments? A. This box I refer to is in our department, in the front hall.

Q. In the front hall? A. Yes, sir.

Q. Did anybody else have access to it but your folks? A. No, sir; only in our part.

Q. Well, now, have you seen any box elsewhere like that? A. They have a box in all three of the insane departments just of the same kind.

Q. The three insane departments have boxes; do they have a box of that description except in the insane departments? A. That is all I have seen.

Gov. BUTLER. All you have seen. I believe the law provides that; Senator Flatley's law.

Q. Do you know whether those letters had postage stamps on them that Sanborn took out — those two letters? A. No, sir; I do not.

Q. I now want to ask you about another thing. Since 1880,

since the time you were married, you and your husband have been in charge of this insane ward? A. Yes, sir; with the exception of four weeks, I think, when I was not there.

Q. Did you know Charlotte Anderson? A. No, sir.

Mr. BROWN. She died in 1877.

Q. Do you know of an insane woman by the name of Emily or Martha Toussaint? A. Yes, sir.

Q. Does she speak English? A. No, sir; I have never heard her. She is in my care, but she is at the hospital at the present time.

Q. Where is she now? A. She is in the sick hospital.

Q. When in the insane building she was in your care? A. Yes, sir.

Q. And you never heard her speak English? A. I don't recollect that I have ever heard her. She very seldom speaks to say anything. When she talks, she talks—I don't know what language it is.

Q. She talks French or Swiss, or some language you don't know? A. I don't understand it.

Q. And you don't know anybody else there that does understand it, do you? A. I don't know, I am sure. I don't know of anybody; no, sir.

Q. Then she could not talk much with much satisfaction, if nobody knew what she said, could she? She is a quiet person, is she? A. Generally so; yes, sir.

Q. Quite a well bred, well behaved person, isn't she? A. Well, she is not clean about her person at all.

Q. What? A. She is not clean about her person at all. She is rather a filthy patient.

Q. I think you said she is there now? A. She is now in the sick hospital; yes, sir.

Q. What is the matter with her? A. I don't know, I am sure. She was sick and was sent down there, and I have not seen her since.

Q. How long ago was that? A. Three months, perhaps.

Q. Now, you and your husband are in sole charge in that ward as attendants, are you not? A. As attendants; yes, sir.

Q. And I suppose he is supervisor and you are attendant, or how do they call you? A. Yes; I am called an attendant.

Q. And you have sole charge of the ward? All the rest of your help are insane patients, are they not? A. We have another attendant; there are three of us.

Q. That is by night? A. No, sir; there are three of us.

Q. Who is the night attendant? A. We don't have any.

Q. Don't you have any night attendant? A. No, sir.

Q. Are these one hundred twenty-five insane women — A. In one ward.

Q. Are these one hundred and twenty-five insane women left in their ward without any attendant at night? A. Well, we sleep right off from the ward; and, if there is any trouble, we generally hear it.

Q. You generally hear it if you wake up. I don't ask you if you generally hear it, I only asked whether there was any attendant to watch and look to see that no harm came to them? A. No, sir.

Q. There is not. That is all I want to know. Well, you have never done them any harm, have you? A. Not that I know of.

Q. I fully believe that. And your husband has never done them any harm that you know of? A. No, sir.

Q. What? A. No, sir.

Q. Never restrained anybody in any way? A. There have been times when patients have been restrained, sir.

Q. I know. Then he does it, I suppose? A. Well, generally I think he has.

Q. Of course you haven't? A. I have assisted him.

Q. (By Mr. Brown.) I want to ask you a single question, as the matter of duplicate keys might be of some importance. Did you ever know anybody to have a duplicate key to that box? A. I have never seen anybody go to that box except Mr. Sanborn.

Gov. BUTLER. I don't suppose you ever have.

Q. Do you know of any reason why, if anybody has a complaint to make against the institution, they cannot deposit it in that box, just as well as they could deposit anything in praise of the institution?

Gov. BUTLER. This is not within the line. You have examined fully about that box.

Mr. BROWN. I want to ask that question. You asked about one, I want to ask about the other — why a person who has a complaint to make cannot put it in that box?

Gov. BUTLER. I said both.

Mr. BROWN. I beg your pardon; you didn't.

Gov. BUTLER. I beg your pardon; I said both.

The CHAIRMAN. Let her answer; if it is a duplicate answer it won't do any harm.

Q. (By Mr. BROWN.) Do you know any reason why anybody cannot put a complaint into that box if they want to make one? A. No, sir.

Q. Then there is no restraint; nothing to prevent anybody from using that box if they want to? A. No, sir.

Q. And there is always paper handy? A. Yes, sir; whenever they ask for any paper it is always given to them.

Q. (By Gov. BUTLER.) One single question. Is there any rule or regulation or anything put up in your room to inform the patients that they may use that box? A. It is written over the box, or printed.

Q. I want to know if it is in your rooms? A. Right over the box.

Q. But the box is in the hall? A. The box is in the hall, where the women go from one room to another — out in the entry.

Q. (By Mr. BROWN.) How large type is it? A. Oh, it is quite large.

Q. Is it as large as that on that page. [Title-page of House Document 300.] A. It is larger than "Public Charitable Institutions."

Q. On that title-page of this House Document, No. 300? A. Yes, sir; it is larger than that.

Q. What does it say, as nearly as you can recollect? A. I think it reads that all the patients confined in the several lunatic asylums in this State are allowed to write monthly to the superintendent of the asylum in which they are confined, or to the state board of charity, or to the commissioners of lunacy. That is as near as I can remember it.

Gov. BUTLER. Anybody that wants to write to the commissioners of lunacy is to have a chance to put the letter in the box. Who ever willingly wrote to them?

Mr. BROWN. I thought by your last that you wrote very willingly.

Gov. BUTLER. I did it as a matter of duty.

Mr. BROWN. I didn't see anything that looked reluctant about it.

TESTIMONY OF ABRAHAM S. BARNARD (*recalled*).*Direct examination by Mr. Brown.*

Q. Well, Mr. Barnard, have you any more coffee for us?

A. Yes, sir. [Samples of tea and coffee produced in bottles.]

Q. How did you make it? A. I made it just the same as I made my last.

Q. Have you got some of the coffee here? A. Yes, sir.

Q. I mean have you got some of the coffee in a dry state? A. Yes, sir.

Mr. BROWN. Let us see it.

Gov. BUTLER. I want to make the same objection I made before, that this is not evidence for any purpose, however it was made or how it was not made — coffee bought since this institution has been changed.

Mr. BROWN. Where is your coffee, Mr. Barnard? [Samples of tea, coffee and sugar produced.]

Q. (By Mr. BROWN.) Now, how long have you been using that kind of coffee?

The CHAIRMAN. If he knows.

The WITNESS. Well, for a number of years.

Q. It is not coffee that you have got since the first of January, since the new administration? A. No, sir. Well, I asked the superintendent, Mr. Marsh —

Q. Never mind what you asked anybody; but take your own judgment? A. I should judge it was just the same.

Q. And that judgment is based on an inspection of the appearance of the coffee and the taste of the coffee? A. Yes, sir.

Q. Now, that package is a sample of the coffee. Now, what is this here? A. That is tea, sir.

Q. That is a sample of the tea? A. Yes, sir.

Q. That is the same you have been using for how many years?

Gov. BUTLER. I would like a ruling before we spend any more time upon the matter.

The CHAIRMAN. We want to see what it is, Governor.

The WITNESS. It is the same tea we have been using for a number of years.

Q. (By Mr. BROWN.) Now, what is that package? A. That is sugar, sir.

Q. Is that of the same quality you have been using for a number of years? A. Yes, sir.

Q. Did you weigh this coffee and tea that you made this from? A. I did, sir.

Q. Give us the weight? A. Sixteen pounds of coffee, fifteen pounds of sugar, seven pounds of tea.

Q. Now, how much water did you use to sixteen pounds of coffee? A. Well, after I used thirty quarts of milk, that makes 120 gallons.

Q. So there is about $112\frac{1}{2}$ gallons of water and $7\frac{1}{2}$ gallons of milk, which makes 120 gallons. That is the way you made the coffee. How did you make the tea? A. We make the tea the same way.

Q. How much sugar did you put into the 120 gallons of water and milk with which you made your coffee? A. Fifteen pounds, sir.

Q. How much in the tea? A. The same.

Q. And this was made in that way, was it? A. It was, sir.

Q. Out of this coffee, tea and sugar, of which these three are samples, respectively? A. Yes, sir.

MR. BROWN. Now, I submit, Mr. Chairman, that this is competent.

GOV. BUTLER. There is not a man on your committee that don't know that no man can tell the quality of coffee and of tea year by year, who is not a professional on that subject. This man is not.

Q. (By the CHAIRMAN.) How long have you been there? A. Most fourteen years.

Q. Cooking all the time? A. Yes, sir.

Q. (By Gov. BUTLER.) Yes; you have been cooking all the time, but you have been careful not to drink this stuff at all? A. I have drank gallons of it.

Q. At the table? A. I don't sit down at the table to drink it.

Q. Well, when you were eating at the table. When you were eating at the table where you dine and where you sup and breakfast? A. No, sir.

Q. Now, then, can you tell — are you a judge of tea? A. I don't profess to be.

Q. You do not. Are you a judge of coffee? A. No, sir: I cannot tell. I don't profess to be a judge of coffee.

Q. And I suppose there might be a great difference in the quality of coffee, and after it is burnt you could not tell the difference? A. Yes, I think I could if there was a great difference.

Q. Well, there might be considerable difference? A. I often taste of it — about every day.

Q. You could tell by the taste, and everybody else could. Then you have no special knowledge, more than anybody else, have you? A. No, sir; I don't know as I have.

Q. Now, this may be just as good coffee as you have been having, or it may be worse, or it may be better; and the tea may be of the same quality? Won't you let me see that tea a moment. You always have exactly the same kind of tea? A. Well, it is about that same kind, as near as I can learn.

Q. How learn? A. Capt. Marsh —

Q. By asking Capt. Marsh? A. I asked him, and he says it is about the same kind he has bought for a number of years.

Q. When did you ask him? A. I asked him yesterday.

Q. Where did you get the tea from? A. Got it from the storehouse.

Q. Was he there? A. No, sir.

Q. And you asked him — you got it and carried it to him? A. No, sir; I asked him before I went to the storehouse.

Q. What is Capt. Marsh doing there? He was discharged some two or three months ago.

The CHAIRMAN. Let us not go into that, Governor; let us confine ourselves to the tea and coffee.

Gov. BUTLER. I want to know whether he is there manufacturing evidence.

The CHAIRMAN. It may take a week to go over that.

Gov. BUTLER. Precisely. If this is going in at all I want it to go in after examination. Now, what I want to know is whether Capt. Marsh is there superintending, and this was in the regular course of business.

The CHAIRMAN. In regard to this we don't care; what he is there for hasn't anything to do with the tea and coffee.

Gov. BUTLER. I am trying to find out what he is there for; whether he is there simply to furnish evidence, or whether he is there in the regular course of business. Because, it is upon his statement that this man is giving his testimony.

The CHAIRMAN. I don't think what Capt. Marsh said to

him about the tea is competent at all. He must swear of his own knowledge as to the quality of the tea.

Q. (By Gov. BUTLER.) You didn't know enough about this tea except to go and ask Mr. Marsh about it, whether it was the same? A. I just merely spoke about it. I asked him if he bought this same kind of tea for a number of years, and he said he had.

Q. You went and asked him whether he had bought this same kind, and you had to ask him to find out, didn't you? A. Well, I don't pretend to be an expert in tea myself.

Gov. BUTLER. The chairman tried to make you out one.

The CHAIRMAN. No, I didn't.

Q. (By the CHAIRMAN.) I will ask you this question: in your experience of fourteen years there as cook, do you believe this tea and this coffee are substantially the same as you have been using? A. Well, for this five or six years past I should judge it was, sir.

Q. For five or six years past you believe it to be the same? A. Yes, sir. I have been there five years this third term, and I should judge from what I have seen that it is just about the same.

The CHAIRMAN. Now, as to the weight of this evidence I have my doubts; as to its competency, it seems to me it is competent.

Gov. BUTLER. I can have no doubt about its competency. Here is this man who says he don't know whether it is the same or not, and he don't pretend to be a judge of coffee.

The CHAIRMAN. He says he believes it is.

Gov. BUTLER. Undoubtedly.

The CHAIRMAN. That is all any one can do. He is cooking there all the time.

Gov. BUTLER. The belief of a man who don't know anything is not evidence.

The CHAIRMAN. A man who has been cooking for fourteen years must know something about coffee, although he says he don't.

Gov. BUTLER. Well, if you are going to dispute the witness's knowledge, and say he does, when he swears he don't, I can't help it.

The CHAIRMAN. I am going to use a little common sense about it.

Gov. BUTLER. A man's prejudice cannot go farther than that;—

The CHAIRMAN. I understand.

Gov. BUTLER. —To dispute a man who says he is not an expert. He says he don't know anything about it, and he goes and asks Capt. Marsh because he don't know.

The CHAIRMAN. I ask him now the question specifically, and he says, to the best of his knowledge and belief, it is the same coffee.

Gov. BUTLER. The knowledge is not in his answer, and has been put in by you.

The CHAIRMAN. No, sir; I deny it.

Gov. BUTLER. Read the record.

The CHAIRMAN. The question is whether this shall be admitted.

Mr. BROWN. I want to say a single word in regard to this. Three of the witnesses produced here by His Excellency have testified that through a long period of time, and all within the last six years, the tea and the coffee was mere dishwater. That is the expression they have used several times. Now, the question before this committee is, not what is the quality of that coffee or that tea, whether the tea is Oolong, Formosa or not, or whether the coffee is Male Berry, Java, Old Dominion, or some other; that is not the question at all. The question is whether this tea and this coffee is a good palatable, wholesome, stimulating and nourishing drink for the purpose; that is all. The charge is made against the managers of this institution that they are dealing out to these inmates mere dishwater. Now, I produce a man who says that this coffee and this tea is, in his judgment—he is not an expert; he cannot tell the different qualities of tea by the taste, but he knows good tea from poor tea just as well as every man or woman in this room. I could not tell to save my life—and I doubt if His Excellency could—the difference between the different kinds of tea advertised as green tea and black tea; but I can tell when a cup of tea suits me. I don't know the difference between Java and Mocha and different kinds of coffee; but I can tell when I have a good cup of coffee. Now, this is only one step. His Excellency seems to place so much stress upon this matter, and seems to wish it understood by the testimony in regard to this whole tea or coffee business that mere dishwater is being fed out to these people that I am

going to produce the bills from the auditor's office for a series of years — for ten or twelve years. I have had them prepared, and I will show what this coffee is, and the exact grade of it. But then, what will that benefit you?

Gov. BUTLER. Nothing.

Mr. BROWN. Suppose I bring in here evidence of a witness to show that this is Mocha coffee, and tell the price per pound. Would that give you any idea? I venture to assert that there are not ten people in this room who can tell the difference between Mocha and Java by the taste. I am sure I could not. And yet I have a sort of notion that Mocha is the best. I don't know anything about it.

Gov. BUTLER. It is better than Old Dominion.

Mr. BROWN. I am glad you know Old Dominion, whatever it is. And that is the purpose, Mr. Chairman, for which I offer it. Of course, His Excellency says he has no doubt as to the competency of it; I should think he had better leave the weight of it with the committee.

Gov. BUTLER. Pardon me. I say I have no doubt that it is incompetent.

Mr. BROWN. You put it the other way.

The CHAIRMAN. It seems to me the question is right here: whether people have been starved to death. What they have eaten and drunk, we have had evidence, is bread and coffee —

Gov. BUTLER. Does the court give its opinion before the point has been argued?

The CHAIRMAN. No; I want to state, if I can, the issue. I don't know as I agree exactly with Mr. Brown upon the issue. What they have fed upon is competent to show the committee: and if this is substantially what they have drunk it seems to me it may be competent, although I think its weight is a matter of doubt.

Gov. BUTLER. The whole question is whether this is a sample.

The CHAIRMAN. I think so.

Gov. BUTLER. Now, what evidence is there of that? The case stands thus. They have had tea and coffee, — my evidence goes far back of the last five years, — which were neither coffee nor tea. If you will read the reports of the State assayer, Dr. Jackson, those reports will tell you that he assayed twelve specimens of coffee put up as French Imperial, Crown coffee, and all those fancy names; and he reports that he didn't find

any signs of coffee in but one of them, and that, he came to the conclusion, got in there by accident. Nobody can tell. Tea is still worse adulterated, if possible. And so the mere fact that good tea is produced here to-day by a man who is not an expert, who don't claim to be an expert, and who has said so, don't prove what they had. It only proves what has been brought here under the instructions of Capt. Marsh. That is all the proof is. If this is not dishwater it is because it is made in an improved way. You have got no standard to operate from at all; because you cannot know; the witness don't know, and cannot know, that it is the same thing. And the counsel was fair enough to state that the price would not determine the coffee, because men would be deceived in coffee. I tried a case some years ago against a very distinguished firm for cheating the government by damaged coffee and damaged pepper, which they sold afterwards for good pepper and good coffee. And it turned out that the coffee was damaged by sea-water, — soaked for months in coming over from Java, — and was then taken and burned — washed and burned — and after that nobody could tell what it was except an expert. And it was sold indiscriminately. So with the pepper. They shipped raw hides from Borneo, and they could not make proper profit on them by shipping them in salt, and so, — if I may use the phrase, — they salted them with pepper, and kept them by pepper instead of salt. When they got here they took the hides out of the hold, and the pepper ran down into the bottom among the bilge water and all that. And then the custom-house officers said very properly: that is worthless pepper, and we don't charge any duty on that pepper. Then that pepper was taken out and washed and ground and sold; and it had such an effect on me that I have hardly eaten any pepper on my beefsteak since. And when they say they get white pepper I am still more skeptical, because this pepper was a good deal whitened out by that process. So that it is utterly impossible to tell. Therefore the rule of law has been that there must be a standard, as in writing and everything else; a standard that we know, with which we can make comparison. Now, whether this is the same tea nobody knows. Whether this tea has not come out of the caddy wherein the tea of the family is, we have no evidence at the present time. We only know that up there now there is some tea which is like this tea. Well, now, there is one thing I want to call to the attention of the committee. These two bottles

are of very different complexion from the bottles that we had here the other day, if you remember them; and they were made, or were attempted to be made, the same. Therefore you have no standard. You have nothing that you can rely upon as evidence. Now, if there is not, you cannot contradict, — it don't contradict anybody to show that now they have this. And it is not a question of a different kind of coffee. It is a different strength of coffee. Some coffee is very much stronger than others. I am acquainted with some of them — such as Java, Mocha, San Domingo, Rio and others; and there is now using to some degree coffee called Maleberry coffee, from the Isthmus of Panama. Some people think it is much better than others. But we are here not on the peculiar palatable taste of the coffee, but upon the strength of it — and that you know nothing about — of that which has been there. All you have got, if you believe the witness, is the strength of what is there now. Now, is that evidence to contradict sworn testimony? It has neither competency nor weight. It lacks for competency the element of standard; because this man is not an expert to give us a standard. It lacks for weight the element of any knowledge — even admitting the witness to be true — that this is the same these men have had. I have tried not to spend much time about this, and I am not very strenuous about it; because to me it don't seem to be a matter of any weight, even if its competency is established. But I do think that an investigation that means to get at the truth, and not hide it, that means to deal with the case fairly, should go only upon matters that are proven somewhere, somehow.

The CHAIRMAN. Cornelius O'Brien testifies that the coffee was spoiled water, or something of that kind. He didn't testify as an expert. Dr. Tucker testified that the tea might be a little stronger, and he was not asked as an expert.

Gov. BUTLER. Be it so, sir. I agree, sir. But this is not contradicting sworn testimony, to show what they have been drinking recently. The difference is a very wide one. I am telling about the thing I am drinking; I am not telling about the quality of what it is made of.

Mr. BROWN. That is just what we want to tell — what these people have been drinking.

Gov. BUTLER. Not what they have been drinking, but what is made there.

The CHAIRMAN. He says that is the same they have been

drinking; and that is the only ground on which I think it is competent at all.

Gov. BUTLER. And that is a mere matter of belief, founded upon the strength of the coffee; weighed out now, to be sixteen pounds, against unweighed coffee and tea heretofore. Now, it may be just this: it may be that the uxorious gentleman, "French Joe," who generally had this coffee, in order to see Mary Tynan, thought he would take a few pounds of coffee and sell it. Is there any evidence that he didn't, if it was not weighed, and if no account was kept? And this man don't know. Now, he does know that there is sixteen pounds. He may have supposed there were sixteen pounds before. If a portion was taken out, why, it would be like "slops," as we should call them—like dishwater. I don't think it would be very strong at the rate of sixteen pounds of coffee to two hogsheads of water and milk. I should say that was not very strong coffee. It might be weak coffee; and, then, when you come to take out a pound or two, it leaves it "slops" and dishwater; and a man knows it when he drinks it. Not that the coffee was not good, but that there was not coffee enough to taste. And it might happen that none of this coffee and this pepper that I have told you about was there; that might very possibly happen. But it won't do to take all we hear. This witness has testified that there never was any bad beef boiled there. The doctor testifies that there was, and in some cases he stopped it before it was served out. Well, that shows that he was not expert enough to know the difference between good and bad beef; or else it shows some other thing that would be more uncharitable.

The CHAIRMAN. I think with you, Governor, that the weight of the ingredients should be substantially the same. I understood him to say that this was put up in the same proportion that he had been making coffee and tea for a number of years.

Gov. BUTLER. Always heretofore, he says, it has not been weighed.

The CHAIRMAN. But the quantity that he has put up is substantially the same, to the best of his knowledge and ability.

Gov. BUTLER. But he don't know by the weight.

The CHAIRMAN. It is not exact, as you would have it in the circuit court in trying cases of fraud against the government; but substantially.

Mr. BROWN. We have the sworn testimony of "French Joe"—

Gov. BUTLER. Now, I must insist upon the close this time.

The CHAIRMAN. I think we had better decide it, Mr. Brown.

Mr. BROWN. I want to call attention to the fact that "French Joe" testified that he did weigh it; and this witness says the weight agreed.

The CHAIRMAN. Will the committee take a drink of this tea and coffee? Will the committee admit this tea and coffee to be tasted by the committee?

Gov. BUTLER. The committee may be accustomed to very poor coffee, for aught I know.

Mr. CHAMBERLAIN. If it was very weak dishwater that was served five or six years ago, and this is something which is a very little stronger and better, it seems to me it is very important for this committee to know it. The witness, if I understand it, has made this coffee and tea for the last ten years.

Gov. BUTLER. Only the last five years.

Mr. CHAMBERLAIN. He does not need to be an expert to tell dishwater from something that has a little coffee in it. It seems to me that the testimony is of as much value as that of the inmates, and I for one shall vote to admit it, in order that we may arrive at the facts of the case.

Gov. BUTLER. I don't object to his testifying what sort of coffee he had, if he knows.

[The question was taken and the tea and coffee were admitted.]

Mr. BROWN. I will present it to the committee and they can do what they see fit with it.

Adjourned to meet on Tuesday, June 19, at 9.30 A. M.

FORTY-NINTH HEARING.

TUESDAY, June 19.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

TESTIMONY OF EMIL A. GROTHUSEN (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. Emil A. Grothusen.

Q. What is your business? A. Accountant.

Q. How long have you been in business as an accountant?

A. About twenty years.

Q. Advising in the matter of opening books — have you had experience in that? A. Yes, sir.

Q. Examining sets of books which have been kept by other parties? A. Yes, sir.

Q. In other words, you are engaged as expert accountant, are you? A. Yes, sir.

Q. Have you examined the books of the Tewksbury almshouse? A. I have looked them over; yes, sir.

Q. How long have you spent in the examination of those books, off and on? A. Twenty-six days or twenty-seven days.

Q. Now, Mr. Grothusen, have you made an analysis of all the accounts in those books, commencing with October first, 1869, and coming down to the first of January, 1883? A. Not from the books.

Q. From the books in connection with any other papers? A. I have taken my figures from the original bills in the auditor's department.

Q. Have you, in that connection, looked at the books to see if they are correct? A. I have had occasion to look at the books.

Q. To verify the accounts? A. To verify the accounts.

Q. Now, so far as you have had occasion to examine the

books in comparison with the vouchers in the auditor's office, what has been the result? A. You mean the result of my figures or the result of my observation.

Q. The result of your figures? A. I have them tabulated.

Q. You have them tabulated in that way. [Referring to tables.] And the result of your observation has been what?

A. That the books are correct; or that they agree with the auditor's bills.

Q. You have familiarized yourself with the manner in which the account is kept at the auditor's office? A. Yes, sir.

Q. Now, sir, what books are necessary to be kept at the Tewksbury almshouse in order to have a complete account there? State only such as are necessary. A. One book only would be necessary.

Q. What book would that be? A. The invoice-book — tabulated invoice-book.

Q. And that one single book would be sufficient for all practical purposes in order to keep the accounts at the Tewksbury almshouse with accuracy, would it? A. It would.

Q. Would it be necessary to keep a cash account; if so, under what circumstances? A. No, sir. I can see no necessity for a cash-book.

Q. Is there any necessity for keeping a journal or ledger? A. No, sir; none whatever.

Q. Now, in the keeping of these books, or in the set of books at the Tewksbury almshouse you found a cash account, journal and ledger, did you? A. I did, sir.

Q. For what purpose had they been kept, apparently? A. Under their system it was necessary to keep them.

Q. Why? A. To account for the moneys received from the auditor's department and put to separate accounts.

Q. Well, for instance; supposing in any month there was a schedule made of expenditures accompanied with the vouchers, amounting, we will say, to five thousand dollars; that money is drawn from the treasury and passed into the hands of the superintendent. Have you found they are in the habit of placing this amount under cash? A. Yes, sir.

Q. And then in carrying out the keeping of the cash account what was done further? A. From the cash it was posted into the journal, or entered into the journal, summarized and condensed, and from the journal posted under different headings into the ledger.

Q. When the several items of the schedule for the month had been paid, what entries were made in the cash account, did you find? A. They charged so much paid for salaries, and so much paid and due for bills.

Q. And that balanced the entire amount? A. For expenditures; yes, sir.

Q. Now, Mr. Grothusen, have you examined all the vouchers in the auditor's office, of the Tewksbury almshouse for the year 1862? A. I have, sir.

Gov. BUTLER. What year?

Mr. BROWN. 1862.

Q. Have you tabulated the result of that examination? A. I have.

Mr. BROWN. Please produce your table.

[The witness produced the table asked for.]

Q. Now, I asked you if you had examined all the vouchers. Will you be kind enough to state what you have done with reference to the year 1862? A. I went to the auditor's office and asked for the files of all paid bills on account of the Tewksbury almshouse for the year 1861-62. I selected from those two packages the three months of September, October and November, 1861, and also the nine months beginning in January, 1862, and ending October, 1862.

Gov. BUTLER. September, October and November, 1861?

The WITNESS. No; October, November and December, 1861, completing the almshouse year.

Gov. BUTLER. I understood it was so, but your use of the word September misled me.

Mr. BROWN. That makes just twelve months.

Gov. BUTLER. Yes; the almshouse year.

The WITNESS. Yes, sir; because it would be more likely to agree with the report, on account of the products of the farm, if it was necessary to go into that.

Q. (By Mr. BROWN.) Three of those months being in 1861 and nine in 1862? A. Yes, sir.

Q. Now, just read your caption for that table? A. "Comparative statement of quantity and cost of sundries, 1862, 1882; number of inmates being about the same; number of employees increased three-fold." That is, the inmates in 1862 were 913, and in 1882 they were 892. Number of employees in 1862, 22; number of employees in 1882, 53,

Q. Now, in regard to salaries? A. The salaries paid in 1862 were \$7,227.49; the salaries for 1882 were \$19,510.77.

Q. Take the different articles that passed into the diet. A. Of flour in 1862 there were 1,401 barrels used.

Q. And you may as well state the cost in that connection. A. It cost an average of \$6.02 per barrel. In 1862 there were 1,676 barrels used, at a cost of \$7.20 per barrel. Of corn there were 2,650 bushels used in 1862, and 1,800 bushels in 1882. The cost for 1862 was 59 cents per bushel; the cost for 1882 was 83 cents per bushel. Of salt meat in 1862 there were 210 barrels purchased. For 1862 I could not add the pork which was raised on the farm, from the fact that the number of pounds was not specified in the report. I sent to Tewksbury, to Mr. Charles Marsh, I think, on Thursday last, to see if I could get the 1862 inventory. I have not received it, so I suppose that it is not to be found. It is not downstairs in the room. So I am only taking the purchases.

Q. (By Gov. BUTLER.) Do you want the number of pounds of pork? A. Yes, sir; that would be the only meat they salt.

Q. Did you give the cost of the salt meat? A. The 210 barrels of beef purchased in 1862 cost \$9.43 per barrel.

The WITNESS. [To Gov. Butler.] Have you it there, sir?

Gov. BUTLER. There is the amount, sir; but they put it in as pork and other things.

The WITNESS. That is the reason I could not state it.

Gov. BUTLER. And it does not give the number of pounds of each article.

The WITNESS. I thought I would not put in anything on assumption. The number of barrels of beef purchased in 1882 was 215, and the average cost \$14 per barrel.

Q. (By Gov. BUTLER.) There was no beef in 1862? Was that 1862 or 1882? A. In 1862 the number of barrels of beef was 210, and in 1882, 215. Of fresh meat in 1862 there were 52,566 pounds, costing $6\frac{6}{10}$ cents per pound; in 1882, 88,528 pounds, costing $7\frac{3}{10}$ cents per pound. Of salt fish there was purchased in 1862, 16,000 pounds, costing $1\frac{3}{4}$ cents per pound; in 1882 there were 22,415 pounds, costing $3\frac{2}{3}$ cents per pound. Of fresh fish in 1862 there were purchased 21,982 pounds, costing $2\frac{1}{2}$ cents per pound; in 1882 there were 33,117 pounds, costing $4\frac{1}{4}$ cents per pound. I shall have to beg your pardon. I

added the spices into the groceries of 1882, and changed it yesterday.

Q. (By Gov. BUTLER.) Is that all on your schedule? A. No, sir. I just want to say in regard to the groceries that I thought I would simplify it a little. I had first a column of spices, but I found they amounted to so little that I took them out and added them into the groceries. The groceries include starch and small articles that I thought it would not be worth while to put in separately. For groceries there was paid in 1862, \$641.85; in 1882, \$1,347.22. Of sugar in 1862 there was practically none; that is to say, there was a small quantity of 4,349 pounds of granulated or powdered sugar. Taking that fact into comparison with the large quantity of molasses used, I came to the conclusion that the sugar was simply for the officers' table. The amount was 4,349 pounds, costing $10\frac{1}{2}$ cents per pound.

Q. (By Mr. BROWN.) Can you give the committee the number of pounds of sugar and the number of gallons of molasses? A. I have got the molasses in another item. The sugar, in 1862, was 4,349 pounds, costing $10\frac{1}{2}$ cents per pound; in 1882, 33,112 pounds, costing $8\frac{1}{2}$ cents per pound; principally for Demerara or low grades of sugar, with a few barrels of granulated per month.

Q. What did you say the price was in 1862? A. Ten and a half cents for white sugar; whereas in 1882 it was principally brown sugar, costing $8\frac{1}{2}$ cents. Of molasses, in 1862, there was 5,189 gallons, costing $24\frac{1}{2}$ cents per gallon. I presume it could be reduced down to pounds, but I didn't make inquiry how many pounds of sugar to the gallon. In 1882 there was 981 gallons of molasses, costing $49\frac{1}{2}$ cents per gallon. You see the sugar has increased and the molasses has gone down. In 1862 there was practically no tea. There was 657 pounds, at 40, 60 and 70 cents per pound, which, I take it, was for the officers; so I put it down as costing 40 cents per pound. There was a little lot bought at 48 cents, and some at 70 and 75 cents; the average per pound was 40 cents. In 1882 there were 5,307 pounds, averaging 26 cents per pound.

Q. (By Gov. BUTLER.) That includes good tea? A. Yes, sir; I think that includes about 80 pounds of Oolong tea a month, and seven or eight chests of Japan, or sometimes ten.

Q. What was the price of the tea? A. The Japan cost about 20 cents; 20, 21 or 22 cents, along there. The Oolong tea purchased during this year ran from 38 up to 42 cents per

pound ; coffee I don't find any entry of in 1862, except on some grocery bill there would be five or ten pounds of Java ; and the quantity was so small I would take no account of it and classed it with groceries.

Q. (By Mr. BROWN.) How much was there in all, according to your best recollection? A. It could not have been over 100 pounds.

Q. That is during 1862? A. 1862. There might have been some on hand. I looked for stock on hand, in 1862, and could not find any classification ; it was just like the other. It was dumped a great deal in the earlier years. — the stock on hand ; and for that reason I concluded to let it take that form. In 1882 the amount of coffee purchased was 7,623 pounds, at an average cost of $14\frac{1}{2}$ cents per pound. Of butter, in 1862, there was purchased 3,127 pounds, costing 18 cents per pound ; in 1882 there was purchased 16,460 pounds, at 21 cents per pound. Eggs, in 1862, 526 dozen, at $17\frac{1}{2}$ cents ; in 1882, 934 dozen, at 24 cents.

Q. (By Gov. BUTLER.) And that independent of what was raised on the place? A. Yes, sir ; these are all purchases. Not being able to get the meat raised separated, I didn't look any further to see whether the eggs and butter was separated. These are all purchases.

Q. Sixty-two pounds? A. Yes, sir ; raised there. If it is necessary, those can be put in ; but I didn't think it was proper to put in one item unless I could put in the whole. Of rice, in 1862, there was only one purchase of 50 pounds. Practically might be called none, because it was probably only for officers' use ; because 50 pounds among 900 inmates would not go a great ways. In 1882 there was purchased 9,843 pounds of rice, costing $6\frac{8}{10}$ cents per pound. Of oatmeal, there was purchased in 1862, 2,300 pounds, costing $2\frac{1}{4}$ cents per pound ; in 1882, 9,200 pounds, at $3\frac{1}{2}$ cents per pound. Rye meal, in 1862, 600 pounds, costing $1\frac{1}{2}$ cents per pound ; in 1882, 3,600 pounds, costing $2\frac{1}{4}$ cents per pound. Of crackers, there were bought, in 1862, 6,088 pounds—they gave them a cracker ration instead of bread,—costing $6\frac{1}{2}$ cents per pound. There were none purchased in 1882. Of potatoes there were purchased, in 1862, 3,280 bushels. There were none purchased in 1882. The potatoes purchased in 1862 cost 44 cents per bushel. Of drugs, surgical instruments, artificial limbs, trusses, etc., there were purchased, in 1862, \$429.17 ; in 1882, \$1,485.14.

Q. (By Mr. BROWN.) A difference of \$1,000? A. Yes, sir. I took off the valuation of the drugs on hand at the beginning, took off at the end, so as to get at the actual use. Of coal, which is the last item, there were 577½ tons purchased in 1862, costing \$4.65 per ton; and in 1882 there were purchased 2,192 tons, costing \$5 per ton. I found no stock on hand of coal, so I have not the remotest idea whether the whole of the 577 tons were used; only that they purchased that.

Q. (By Gov. BUTLER.) That was purchased each year? A. Something about five times as much in 1882.

Q. (By Mr. BROWN.) Now, I wish you would glance over that table and tell the committee what articles of diet you find in the 1882 list that don't appear among the purchases in the 1862 list; or what appear in the purchases of 1882 that don't appear in the purchases of 1862? A. Well, practically there is rice, tea and coffee. I should say practically, although there is a small quantity of tea; but I don't wish to make any assumption about it.

Q. Now, I want you, between now and to-morrow morning, to take the almshouse report covering that same period for 1862 and 1882, and add the product of the farm, the estimated value as shown there? A. Well, but how am I to get the pounds?

Mr. BROWN. It don't make any difference; you get the result in money.

Gov. BUTLER. No; because they don't give us the value of the products.

The WITNESS. No, sir.

Mr. BROWN. I think they do.

Gov. BUTLER. They do in 1862, but in 1882 they do not.

Mr. BROWN. Then get it in this way: estimate the products of the farm at the same value you find the State paid for purchases.

The WITNESS. Well, that would be impracticable, Mr. Brown, because the meat is lumped together; beef that is worth 5½ cents for fores, backs and hinds worth 8 and 10 cents, veal is all around 12 or 15 cents, and mutton is 10 or 12 cents—they class it all together, if I understand His Excellency. I don't like to do anything on assumption.

Mr. BROWN. Then, will you add that upon the report, the almshouse report of 1862,—that is, 1861–62, the months you have explained.

Gov. BUTLER. The year.

Mr. BROWN. That year.

Q. By the reports of the auditor's office there is no way of ascertaining the actual cost of the consumption of food which went to the institution. A. Oh, yes; I can take up the whole of the valuation.

Q. (By Gov. BUTLER.) But suppose there is no valuation, then what are you going to do? A. I suppose the next practical course would be to summon a committee of experts to testify to the value.

Q. You were asked if by the auditor's figures you could get at the exact cost.

Mr. BROWN. In connection with the almshouse report.

The WITNESS. Yes; in connection with the almshouse report; I could simply add the valuation without classifying.

Mr. BROWN. Then, if you will be kind enough to do that between now and to-morrow morning if you can, so as to give it as near as possible.

The WITNESS. [Referring to the almshouse report.] There is no valuation this year — 1882.

Gov. BUTLER. I struggled with that myself awhile.

The WITNESS. I presume that a competent board — those very men who made the valuation, Pedrick and Closson —

Gov. BUTLER. Pardon me, sir; they didn't make any valuation, sir. Nobody made any valuation of these things that I have ever heard of.

The WITNESS. I presume that the parties who made the figures there, as far as they could, could add the market value. I should not be able to do it.

Q. (Mr. BROWN.) Now, have you made an examination commencing with 1869? A. I have, sir.

Q. What month in 1869? A. The first of October. That I carried down to the present time. That is, I mean down to the first of January, 1882.

Q. Will you produce that sheet. [Sheet produced.]

Gov. BUTLER. Let me look at that before you read it, so I can get an idea of what it is.

Q. (By Gov. BUTLER.) Are these dollars? A. Those are all quantities, sir, in pounds, except in the groceries column. You will find two columns in dollars and cents; that is, groceries and drugs. The milk is in quarts, the molasses in gallons.

Q. What is the difference between the red and black figures? A. The black are purchases and the red are farm products.

Of course, that is not by any means all the farm products, because I thought it would be difficult for me to estimate the value of 1,000 heads of cabbage, or of a quantity of carrots, which go by tons. I have a statement of them, but I don't presume it would give the committee any light.

Gov. BUTLER. I came to the same conclusion you did.

The WITNESS. It is especially hard to determine, as they went into soups principally, and were not dealt out.

Q. What, the cabbages? A. Yes, sir; I presume they went into soups, as it is the custom in institutions—cabbage, beets, turnips—ruta-bagas.

Q. We used to have corn beef and cabbage. A. I think they don't give them any to speak of. I think they mostly went into soups.

Q. Sixteen thousand heads of cabbage would have made a good deal of soup. A. I don't say that all the cabbage went into soups; I presume that the officers had some and the inmates had. It would be impossible, however, for me to find out.

Q. It is impossible for you to find out? A. I cannot very well.

Mr. BROWN. Now, just go on through the account, commencing with October, 1869.

The WITNESS. Now, this is simply quantities, regardless of cost; because in adding, if you choose to add in afterwards the farm products, why the valuation given there would differ somewhat from the actual aggregate valuation; and, furthermore, the cost to the State might be very different. It would be almost impossible for me to give the actual cost to the State. All these items were examined very thoroughly. I will give you the pounds from the first of October, 1869, to the first of October, 1870. There were 260,000 pounds of flour. That is, actually used; not purchased, but actually used. I took the inventory book—Perhaps I might as well explain to the committee how I arrived at the figures. That would be the better way. I take a sheet and head it flour, sugar, tea, coffee, etc., and on the first transverse line there I place the amount I found by the inventory to be on hand. For instance, on the first of October, 1881, I find 40 barrels of flour on hand, 62½ pounds of —, 40 bushels of oats, 1,600 pounds of sugar, etc. Then I take, month by month, the bills from the auditor's office, and add them to it, until I get to the bottom, and then I place trans-

versely, again, on hand at the end of the year, and deduct that, and deducting that, the bottom line gives me the result, which I then tabulate.

Gov. BUTLER. That would give the correct result.

Q. (By Mr. BROWN.) So that you only have on this table the things actually used? A. That is, always provided that the reports were correct.

Q. That the inventories were. A. I find every year a bill from Pedrick & Closson, who charge \$100 for making that inventory, and I presume they make it correctly. I would like to make it every year, and I would make it correct, too.

Gov. BUTLER. I thought it was a good job myself.

The WITNESS. Now, how shall I go on?

Gov. BUTLER. Just as Mr. Brown wants you to.

Mr. BROWN. Take each year.

Gov. BUTLER. I will have it the way I want it directly.

The WITNESS. I didn't know but what this was simply for facts, and you might agree upon them as you go along.

Mr. BROWN. Go through each year.

The WITNESS. Reading from table for 1869-70: 260,000 pounds of flour; sugar, 11,453 pounds; tea, 2,282 pounds; coffee — as I found practically none, I didn't put any down. There is some 60 or 70 pounds.

Q. (By Mr. BROWN.) No coffee in 1879? A. No coffee in 1879. [Reading.] Groceries, \$1,740.56.

Q. (By Gov. BUTLER.) The pounds you don't know? A. No, sir; all kinds of little things: mace, nutmegs and everything you could think of. There was so much it would take a ten-yard piece of paper to classify them all on. [Reading.] Beans and pease, 17,615 pounds; salt meat, — that includes beef and pork, — purchased, 37,300 pounds. Now, shall I put in that which was raised?

Mr. BROWN. Yes.

The WITNESS. [Reading.] Farm product, 22,215 pounds; fresh meat, 43,683 pounds purchased; 14,089 pounds farm product; salt fish, 26,700 pounds; fresh fish, 10,630 pounds; molasses, 2,101 gallons; rice, 2,824 pounds; rye meal and oatmeal, — in this summary I have taken them together: they went principally for gruels, — 1,600 pounds; potatoes, none purchased; farm product, 150,000 pounds — that is, 60 pounds to the bushel. In fact, I reduced everything to pounds except

molasses, and I might have reduced that by multiplying by $8\frac{1}{2}$ — about $8\frac{1}{2}$ pounds to the gallon.

Q. (By Gov. BUTLER.) Is it heavier than water? A pint is a pound the world 'round, I presume. It is about $7\frac{1}{2}$ pounds to the gallon for water. A. About $8\frac{1}{2}$ to 9 pounds for molasses.

Gov. BUTLER. I think it is. It generally goes to the bottom.

The WITNESS. Of milk there was raised on the farm 84,152 quarts.

Gov. BUTLER. That is about the same weight as water.

The WITNESS. Now, the butter and eggs for the years ending 1874 I could not classify here, because the produce of the farm was given in milk, and not how much was used for butter or how much was given to the inmates to drink. They simply say so many quarts of milk, and leave out how much butter they made.

Q. (By Mr. BROWN.) They didn't say anything about butter, so you let it go in as milk? A. As milk. The drugs for this year cost \$507.24.

Mr. BROWN. Now, take the next year, 1870-71.

The WITNESS. [Reading.] Flour, 255,600 pounds, — the flour weighing 196 pounds to the barrel, it occurred in several instances that the end figure would be a four. And in case it was 255,604 pounds, I have left off the four pounds, because if it is to be divided into rations, the division would be so much facilitated by it. [Reading.] Sugar, 12,143 pounds; tea, 2,247 pounds; coffee, 287 pounds; groceries, \$881.23 worth; beans and pease, 20,536 pounds; salt meats, purchased, 51,200 pounds; farm product, 12,576 pounds; fresh meat, pounds purchased, 44,694; farm product, 6,659 pounds; salt fish, 18,900 pounds; fresh fish —

Gov. BUTLER. Is it worth while to go through this, Mr. Brown, in detail? The table will be published. Put in any tables that you have. I shall have to ask you to tabulate some.

The WITNESS. The different years?

Gov. BUTLER. I will tell you what I want when I get to my part. We can have them tabulated very soon; all I want.

Mr. BROWN. Well, he has read some part of them, and there will be some questions I want to ask about specific items.

Gov. BUTLER. Now, then, if you will tell me—give me, reducing the liquids to pounds at the rate of seven and one-half

pounds to the gallon, how many pounds of solid food, if you have it all there, was eaten by the inmates in 1862.

THE WITNESS. In 1869-70?

Gov. BUTLER. In 1862, if you have it there. Add them right up here; except you will have to skip where the gallons come in.

THE WITNESS. The flour was not reduced, either.

Gov. BUTLER. Of course, these being matters of figures we can verify anything that is wrong, if there is anything wrong.

THE WITNESS. Shall I class sugar as food, and molasses?

Gov. BUTLER. Certainly; everything except drugs; I don't call those food. Mrs. Munroe lived on mush and molasses.

THE WITNESS. Would seven and one-half pounds be a fair estimate for molasses?

Gov. BUTLER. Seven and a half pounds is the weight of a gallon of water.

THE WITNESS. And tea?

Gov. BUTLER. Oh, yes; it will be fair if we take it for both years.

THE WITNESS. How many pounds in a dozen of eggs? I believe it has been proposed to pass a law to sell eggs by weight. Some of the legislators ought to know how many pounds they calculate to make the standard.

Gov. BUTLER. These gentlemen [the committee] have all been examining into that question; it has not come to the executive yet. I guess if you get three pounds you get enough. It will be as fair for one as for the other.

THE WITNESS. I will make a note of it so that I shall know hereafter.

Gov. BUTLER. Shanghais and bantams weigh quite differently. I want to make a comparison. It is just as fair for one as for the other.

Mr. MELLER. It would be a pretty big egg to weigh a quarter of a pound.

Gov. BUTLER. Yes, it would be a large egg, but there are eggs that weigh more than a quarter of a pound. We find them that weigh 'a half—Shanghai—which should be raised—a large-sized hen should be raised in such an establishment; more meat on the bones, and it don't cost any more to keep them.

THE WITNESS. I have every item in there now, for 1862.

Gov. BUTLER. All right. Now won't you figure it up. Have you got the farm products in for 1862?

THE WITNESS. No, sir; I have not.

GOV. BUTLER. Well, but we can get them, sir, by weight, substantially. The beef and pork — we can get them.

THE WITNESS. Shall I take the beef?

GOV. BUTLER. Give the pounds, as near as you can, sir; we can get most of them.

THE WITNESS. Carrots and beets?

GOV. BUTLER. Yes, sir.

THE WITNESS. I should not know what to put down for cabbages — 16,900 heads of cabbage.

GOV. BUTLER. Make an arbitrary for them, because it will be the same for both sides.

THE WITNESS. What does a head of cabbage weigh, on the average; five pounds?

GOV. BUTLER. Not more than half that. Well, make them three pounds.

THE WITNESS. Cabbage, three pounds per head.

GOV. BUTLER. Well, that is large; make it two pounds.

THE WITNESS. Sixty pounds of beans to the bushel, barley fifty-six; then the barley and the rye would be about the same.

GOV. BUTLER. Now try the same thing for 1882.

[The witness completed his calculations, and continued his testimony as follows:]

Q. (By Gov. BUTLER). You have made some calculations as to the gross amount of food and products that was consumed in 1862 and 1882 at Tewksbury? A. Yes, sir.

Q. Including everything that we could find, approximately, which were food products. Give us the gross amount for 1862?

A. 1,329,137 pounds.

Q. That includes the farm products and what was bought? A. Yes, sir.

Q. Now, how much did you find it was in 1882? A. 1,132,769 pounds.

Q. (By Mr. BROWN.) That is in 1882? A. In 1882.

Q. (By Gov. BUTLER.) Now, will you tell us how much that was per man? That is, only divide the two? A. By that do you mean — there were only 22 employees in 1862, and there were 53 in 1882.

GOV. BUTLER. That won't make it more than even — just about even.

THE WITNESS. A little less than half as many.

Q. How many inmates in 1882? A. 892.

Q. And how many in 1862? A. 913 — a difference of 21.

Gov. BUTLER. The difference would not tell.

Mr. BROWN. As these people are fed by the Commonwealth, it is no more than fair that the officers should be included.

Gov. BUTLER. Of course.

The WITNESS. There is another thing that bothered me considerably. I opened every bill on the auditor's file, and I found a great many instances of days' labor. There is a days' labor charged, and I presume they had to feed those workmen too. But we will take the inmates just as the register gives them.

Gov. BUTLER. Or you may take them just even.

The WITNESS. Why not call them 900? There are 892 in one year, and 913 in the other.

Gov. BUTLER. Call them just 900, because that will give room for the employees.

Mr. BROWN. What is the result?

Gov. BUTLER. Then you would make it in 1862 that there was 1,477—

The WITNESS. Pounds.

Q. Of some sort of food product, either liquid or meat or vegetable, consumed to the inmate? A. Yes, sir.

Q. And in 1882 you would get 1,258 pounds consumed to the inmate? A. Yes, sir.

Q. (By Mr. BROWN.) That is less than in 1862? A. Less. If you wish to get the expense, I think I can do it.

Gov. BUTLER. Now, divide that by 365, and then we shall get the pounds per day of meat and drink, so far as food goes. — three and one-half pounds, or 3.45.

The WITNESS. And $4\frac{7}{365}$.

Q. (By Gov. BUTLER.) Then in 1862 each inmate got per day four and a fraction pound of food? A. The fraction is so small —

Q. Call it four plus. And in 1882, 3.45 pounds? A. Yes, sir.

Q. They got half a pound a day more to eat in 1862 than they did in 1882. Now, sir, will you, the next time, bring me this: As near as you can, how many pounds of flour to the man was consumed in 1862, and how many pounds to the man was consumed in 1882? A. I will do that now. I presume it will not take long to do that now.

Gov. BUTLER. You may do that now.

The WITNESS. Yes; I have it here.

Mr. BROWN. Here are the figures for 1881-82.

The WITNESS. I will put it right in the margin here; that will be as good a way as any other. By the same ratio?

Gov. BUTLER. By the same ratio. That evens up the men — 900 each.

Mr. BROWN. It is actually 935 in 1862 and 945 in 1882.

Gov. BUTLER. Yes; but there are now more officers than then.

The WITNESS. Make it 900?

Mr. BROWN. Call it 900.

The WITNESS. Do you want it by the day or the year?

Gov. BUTLER. In the first place, I want to get it by the day.

The WITNESS. Three hundred and five pounds divided by 365. Eighty-three one-hundredths of a pound in 1862 and one and one-hundredth of a pound in 1882.

Q. (By Gov. BUTLER.) That you find to be the actual consumption? A. Actual consumption.

Gov. BUTLER. I have got all I want.

Mr. BROWN. Now, Mr. Grothusen —

Gov. BUTLER. Won't you get me those figures. I want the exact expense of provisions, the cost, so far as you can; reckon the farm products at the same price that was paid.

Mr. BROWN. Carrying out all these things not purchased at the same price as those purchased.

The WITNESS. Well, the obstacle in the way there would be that there were no roots of any kind, no cabbages or any such thing produced at all in 1882.

Gov. BUTLER. Well, then, those farm products,—all you can do is to leave them out both ways.

The WITNESS. All I will have to do is, to make a duplicate of this table and put in dollars and cents where it is in pounds here.

Gov. BUTLER. Yes; carry it out.

The WITNESS. Now, would it meet your use to have on a separate sheet the value, or to put it underneath these quantities in each one?

Gov. BUTLER. I want to get the general value.

The WITNESS. Not specifying items?

Gov. BUTLER. I don't care. I want the aggregates. Give me the aggregates, and you may put it in any form you please.

Mr. BROWN. Mr. Chairman, there are some computations to

be added to this first table which we have offered here; and if there is no objection on the part of counsel, we will call it Exhibit — perhaps Exhibit A.

Gov. BUTLER. There are so many others that you might begin at the other end.

The CHAIRMAN. We have marked something “A.”

Gov. BUTLER. Call it “W.”

Mr. BROWN. Suppose you take the name of the expert, and call it “Grothusen No. 1.”

Gov. BUTLER. Take X, Z, Y, W.

Mr. BROWN. The only difficulty is that we may exhaust the alphabet.

The WITNESS. The others are only what we call rehashes.

Mr. BROWN. Take the next table. The first one was a comparison between 1862 and 1882. Now you can add on those different things that the Governor spoke about, and then we will submit that to the committee. Well, then, we will understand that the 1862 and the 1882 comparisons are marked “X.” And this is the table of all the purchases and farm products excepting the roots, from 1869 to 1882, from October 1st, inclusive.

Gov. BUTLER. That is from 1869 —

The WITNESS. Yes, sir; from 1869, chronologically down.

Mr. BROWN. Just mark that “W.”

The WITNESS. You want the values added to this, too, I understand?

Gov. BUTLER. Yes.

[Following is the exhibit marked “W.”]

Summary of Food Quantities — Concluded.

OCTOBER TO OCTOBER.	FRESH FISH Pounds.	MOLASSES. Gallons.	RICE. Pounds.	RYE AND OATMEAL. Pounds.	POTATOES. Pounds.	MILK. Quarts.	BETTER. Pounds.	EGGS. Dozens.	DRTCS. Dollars. Cts.
1869 to 1870, purchases.	10,630	2,401	2,824	1,500	—	—	—	—	\$507 24
" " farm products,	—	—	—	—	150,000	84,152	—	856	—
1870 to 1871, purchases,	30,737	2,156	8,539	2,200	—	—	—	—	339 62
" " farm products,	—	—	—	—	210,000	89,812	—	1,079	—
1871 to 1872, purchases,	32,223	1,787	10,518	3,150	—	—	—	—	642 43
" " farm products,	—	—	—	—	150,000	92,364	—	951	—
1872 to 1873, purchases,	30,179	1,613	7,289	3,250	—	—	—	—	814 82
" " farm products,	—	—	—	—	150,000	92,228	—	1,563	—
1873 to 1874, purchases,	30,300	1,721	5,742	5,500	—	—	—	—	863 23
" " farm products,	—	—	—	—	186,000	94,852	—	1,247	—
1874 to 1875, purchases,	29,446	475	5,968	5,000	—	30,624	4,451	60	1,220 92
" " farm products,	—	—	—	—	180,000	101,924	—	952	—
1875 to 1876, purchases,	34,225	319	4,470	9,900	—	57,835	11,678	274	1,085 37
" " farm products,	—	—	—	—	108,000	95,288	—	1,077	—
1876 to 1877, purchases,	35,653	663	3,565	12,500	—	53,089	15,074	1,633	2,189 23
" " farm products,	—	—	—	—	150,000	101,254	—	831	—
1877 to 1878, purchases,	35,600	642	2,695	12,900	27,000	58,599	12,192	1,748	1,597 56
" " farm products,	—	—	—	—	180,000	97,620	—	772	—
1878 to 1879, purchases,	35,350	952	7,038	11,200	—	58,882	15,101	937	1,691 44
" " farm products,	—	—	—	—	204,000	102,048	—	632	—
1879 to 1880, purchases,	36,424	973	4,945	10,700	—	58,815	16,058	1,524	2,113 25
" " farm products,	—	—	—	—	210,000	82,160	—	963	—
1880 to 1881, purchases,	36,132	996	12,399	14,500	—	58,558	18,467	1,047	1,661 65
" " farm products,	—	—	—	—	111,600	82,512	—	863	—
1881 to 1882, purchases,	33,117	1,041	10,633	12,900	—	39,852	16,460	934	1,656 52
" " farm products,	—	—	—	—	123,960	94,176	—	628	—

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1869,
to Oct. 1, 1870.*

[INMATES, . . . 724.]	Cost.
Flour,* 260,000 lbs.	\$9,298 50
Corn, 66,976 lbs.	1,298 00
Middlings, 3,200 lbs.	70 30
Rye, 560 lbs.	17 70
Shorts, 41½ tons	1,220 90
Oats, 418 bush.	277 57
Hay, 2 tons†	52 05
Malt, 4 bush.	12 00
C. S. Meal, 5 tons	210 00
Sugar, 11,453 lbs.	1,584 59
Tea, 2,282 lbs.	1,774 00
Groceries, various	1,740 56
Beans and Pease, 17,645 lbs.	\$549 97
Salt Beef, 31,300 lbs.	2,615 52
Salt Tongues, 6,000 lbs.	483 40
Fresh Meat,‡ 43,683 lbs.	4,761 80
Fish, salt, 26,700 lbs.	1,055 70
Fish, fresh, 10,630 lbs.	494 66
Molasses, 2,401 gals.,	1,292 25
Rice, 2,824 lbs.	242 72
Oatmeal, Cr. Wheat, Rye Meal, 1,600 lbs.	81 50
Drugs, various	507 24
Salt Pork, 11,415 lbs.§	—

* Per day, 712.33 lbs., or \$25.47.

† 1,125 lbs. on hand; 9.8 tons, \$25.

‡ Of the above, 24 head of cattle, estimated at 14,400 lbs., cost \$1,969.00.

§ On hand, 1869, 10,800 lbs.

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1870,
to Oct. 1, 1871.*

[INMATES, . . . 749.]	Cost.
Flour, 255,600 lbs.	\$9,590 85
Corn, 133,500 lbs.	2,077 59
Middlings, ½ ton	20 00
Rye, 38 bush.	38 00
Shorts, 50 tons	1,356 70
Oats, 496 bush.	313 10
Hay, 18 tons	357 00
Malt, 8 bush.	16 00
C. S. Meal, 7 tons	262 00
Sugar, 12,143 lbs.	1,463 34

	Cost.
Tea, 2,247 lbs.	\$1,455 95
Coffee, 287 lbs.	63 58
Groceries, various	881 23
Beans and Pease, 20,536 lbs.	728 80
Salt Beef, 46,000 lbs.	3,449 98
Salt Tongues, 5,200 lbs.	391 60
Fresh Meat,* 44,694 lbs.	3,908 45
Fish, salt, 18,900 lbs.	610 75
Fish, fresh, 30,737 lbs.	1,374 20
Molasses, 2,156 gals.	911 42
Rice, 8,539 lbs.	663 12
Oatmeal, Cr. Wheat, Rye Meal, 2,200 lbs.	101 90
Drugs, various	339 62

* Of the above, 17 head of cattle, estimated at 10,750 lbs., cost \$848.00.

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1871,
to Oct. 1, 1872.*

[INMATES, 768.]	Cost.
Flour, 333,000 lbs.	\$14,261 38
Corn, 117,600 lbs.	1,631 50
Middlings, 1,050 lbs.	21 00
Rye, 2,912 lbs.	52 90
Shorts, 45½ tons	1,135 00
Oats, 548 bush.	359 44
Hay, 83 tons	1,717 28
Malt, 6 bush.	11 00
Sugar, 13,421 lbs.	1,546 69
Tea, 2,419 lbs.	1,264 62
Coffee, 537 lbs.	117 17
Groceries, various	1,182 47
Beans and Pease, 20,689 lbs.	875 58
Salt Beef, 29,400 lbs.	1,796 30
Salt Tongues, 7,600 lbs.	600 00
Fresh Meat, 64,176 lbs.	5,275 37
Salt Fish, 18,615 lbs.	717 05
Fresh Fish, 32,223 lbs.	1,424 10
Molasses, 1,787 gals.	887 63
Rice, 10,518 lbs.	878 37
Oatmeal, B. Wheat, 3,150 lbs.	134 75
Drugs, various	642 43

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1872,
to Oct. 1, 1873.*

[INMATES,	816.]	Cost.
Flour, 250,684 lbs.		\$11,038 25
Corn, 123,424 lbs.		1,730 00
Rye, 840 lbs.		17 11
Shorts, 33½ tons.		757 00
Oats, 450 bush.		266 50
Hay, 27 tons.		627 00
Malt, 14 bush.		26 50
Sugar, 15,441 lbs.		1,640 94
Tea, 2,203 lbs.		1,286 73
Coffee, 471 lbs.		111 63
Groceries, various		1,316 34
Beans and Pease, 20,470 lbs.		861 83
Salt Beef, 30,600 lbs.		1,700 80
Salt Tongues, 6,800 lbs.		376 30
Fresh Meat, 74,969 lbs.		6,612 56
Salt Fish, 16,700 lbs.		628 50
Fresh Fish, 30,179 lbs.		1,345 96
Molasses, 1,613 gals.		678 62
Rice, 7,289 lbs.		644 98
Oatmeal, C. Wt., 3,250 lbs.		142 51
Drugs, various		814 82

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1873,
to Oct. 1, 1874.*

[INMATES,	885.]	Cost.
Flour, 330,260 lbs.		\$11,644 00
Corn, 100,800 lbs.		1,498 00
Rye, 1,440 lbs.		29 40
Shorts, 62½ tons.		1,351 75
Oats, 500 bush.		345 50
Hay, 97½ tons.		2,212 02
Malt, 10 bush.		20 00
C. S. Meal, 2 tons.		60 00
Sugar, 17,039 lbs.		1,709 90
Tea, 2,943 lbs.		1,410 22
Coffee, 411 lbs.		135 46
Groceries, various		1,083 60
Beans and Pease, 28,452 lbs.		1,033 08
Salt Beef, 30,400 lbs.		1,671 70
Fresh Meat, 72,240 lbs.		5,703 59
Salt Fish, 17,300 lbs.		619 40

	Cost.
Fresh Fish, 30,300 lbs.	\$1,337 96
Molasses, 1,721 gals.	829 54
Rice, 5,742 lbs.	435 67
Oatmeal, &c., 5,500 lbs.	245 38
Drugs, various	863 23

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1874,
to Oct. 1, 1875.*

[INMATES, 844]	Cost.
Flour, 304,388 lbs.	\$9,909 25
Corn, 118,216 lbs.	1,963 60
Rye	None.
Shorts, 21 tons	548 56
Oats, 390 bush.	288 00
Hay, 118 tons	2,609 04
Malt, 10 bush.	36 00
C. S. Meal	None.
Sugar, 25,179 lbs.	2,494 21
Tea, 2,744 lbs.	1,184 08
Coffee, 3,008 lbs.	829 63
Butter, 4,451 lbs. \$1,420 14	
Eggs, 60 doz. 16 74	
Groceries, various 1,406 65	
	2,843 53
Beans and Pease, 22,468 lbs.	749 92
Salt Beef, 30,300 lbs.	1,707 25
Salt Tongues, 200 lbs.	23 00
Fresh Meat, 58,301 lbs.	4,087 52
Salt Fish, 18,400 lbs.	737 00
Fresh Fish, 29,446 lbs.	1,348 04
Molasses, 475 gals.	248 50
Rice, 5,968 lbs.	511 94
Oatmeal, &c., 5,090 lbs.	224 27
Milk, 30,624 qts.	1,526 15
Drugs, various	1,220 92
Potatoes, 250 bush.	170 00

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1875,
to Oct. 1, 1876.*

[INMATES, 918.]	Cost.
Flour, 297,724 lbs.	\$9,925 25
Corn, 122,080 lbs.	1,585 48
Rye,	None.
Shorts, 50 tons	1,177 22

	Cost.
Oats, 570 bush.	\$304 00
Hay, 96 tons	1,950 79
Malt, 6 bush.	8 50
C. S. Meal	None.
Sugar, 24,064 lbs.	2,320 36
Tea, 3,217 lbs.	1,182 03
Coffee, 5,841 lbs.	1,723 73
Butter, 11,678 lbs.	\$3,082 66
Eggs, 274 doz.	67 51
Groceries, various	1,169 06
	<hr/> 4,319 29
Beans and Pease, 13,076 lbs.	380 44
Salt Beef, 33,900 lbs.	2,256 00
Salt Pork, 800 lbs.	65 00
Fresh Meat, 68,930 lbs.	4,531 18
Salt Fish, 21,650 lbs.	790 75
Fresh Fish, 34,225 lbs.	1,518 13
Molasses, 319 gals.	187 23
Rice, 4,470 lbs.	329 61
Oatmeal, &c, 9,960 lbs.	323 26
Milk, 57,835 qts.	2,778 23
Drugs, various	1,085 37

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1876,
to Oct. 1, 1877.*

[INMATES, 924.]	Cost.
Flour, 318,500 lbs.	\$12,199 50
Corn, 124,712 lbs.	1,518 92
Rye	None.
Shorts	None.
Oats, 530 bush.	300 50
Hay, 139½ tons	2,871 26
Malt	None.
C. S. Meal	None.
Sugar, 30,069 lbs.	3,289 68
Tea, 4,101 lbs.	1,563 08
Coffee, 5,911 lbs.	1,659 92
Butter, 15,074 lbs.	\$3,061 97
Eggs, 1,633 doz.	392 71
Groceries, various	1,783 88
	<hr/> 5,238 56
Beans and Pease, 18,200 lbs.	661 18
Potatoes, 27,480 lbs.	473 65
Salt Beef, 27,800 lbs.	1,870 00

	Cost.
Salt Tongues, 100 lbs.	\$12 00
Fresh Meat, 70,520 lbs.	4,940 53
Salt Fish, 20,050 lbs.	618 30
Fresh Fish, 35,653 lbs.	1,585 63
Molasses, 663 gals.	375 60
Rice, 3,565 lbs.	271 93
Oatmeal, 6,100 lbs. } 12,500 lbs. { \$261 68	
Rye Meal, 6,400 lbs. }	114 32
	<hr/>
	376 00
Drugs, various	2,189 23
Milk, 53,089 qts.	2,302 38

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1877,
to Oct. 1, 1878.*

[INMATES 943.]	Cost.
Flour, 284,000 lbs.	\$8,798 00
Corn, 125,720 lbs.	1,310 74
Rye, 2,240 lbs.	33 90
Shorts, 48 tons	1,035 45
Oats, 850 bush.	345 00
Hay, 106 tons	1,985 36
Malt	None.
C. S. Meal	None.
Sugar, 31,576 lbs.	2,812 51
Tea, 4,068 lbs.	1,203 33
Coffee, 5,260 lbs.	1,137 05
Chicory, 550 lbs.	55 00
Butter, 12,192 lbs.	\$2,299 67
Eggs, 1,748 doz.	310 10
Groceries, various	1,455 19
	<hr/>
	4,064 96
Beans and Pease, 21,635 lbs.	610 83
Potatoes, 27,060 lbs.	268 37
Salt Beef, 28,600 lbs.	1,659 50
Salt Tongues, 300 lbs.	34 00
Fresh Meat, 68,527 lbs.	4,411 78
Salt Fish, 16,525 lbs.	562 00
Fresh Fish, 35,600 lbs.	1,543 56
Molasses, 642 gals.	372 90
Rice, 2,695 lbs.	210 44
Oatmeal, 8,485 lbs. } 12,900 lbs. { \$253 95	
Rye Meal, 4,415 lbs. }	92 85
	<hr/>
	346 80
Drugs, various,	1,597 56
Milk, 58,599 qts.	2,344 16

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1878,
to Oct. 1, 1879.*

[INMATES . . . 945.]				Cost.
Flour, 271,260 lbs.	.	.	.	\$7,079 62
Corn, 156,464 lbs.	.	.	.	1,468 00
Rye, 131 bush.	.	.	.	94 55
Shorts, 54 tons	.	.	.	806 48
Oats, 900 bush.	.	.	.	300 50
Hay . . . . .	.	.	.	None.
Malt . . . . .	.	.	.	None.
C. S. Meal . . . . .	.	.	.	None.
Sugar, 32,003 lbs.	.	.	.	2,555 39
Tea, 4,959 lbs.	.	.	.	1,208 31
Coffee, 4,671 lbs.	.	.	.	712 21
Cihccory, 485 lbs.	.	.	.	53 30
Butter, 15,101 lbs.	.	.	\$2,297 12	
Eggs, 937 doz.	.	.	152 82	
Groceries, various	.	.	1,113 34	
				<hr/> 3,563 28
Beans and Pease, 18,841 lbs.	.	.	.	466 52
Potatoes, 255 bush.	.	.	.	243 53
Salt Beef, 38,800 lbs.	.	.	.	2,154 00
Salt Tongues, 300 lbs.	.	.	.	\$35 50
Salt Pork, 1,400 lbs.	.	.	.	70 00
Fresh Fish, 35,350 lbs.	.	.	.	1,552 80
Molasses, 952 gals.	.	.	.	391 48
Rice, 7,038 lbs.	.	.	.	503 03
Oatmeal, 10,110 lbs.	} 11,200 lbs.	{	\$276 00	
Rye Meal, 1,090 lbs.			9 75	
				<hr/> 285 75
Drugs, various . . . . .	.	.	.	1,691 44
Fresh Meat, 82,753 lbs.	.	.	.	4,729 71
Salt Fish, 19,117 lbs.	.	.	.	462 47
Milk, 58,882 qts.	.	.	.	2,104 47

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1879,
to Oct. 1, 1880.*

[INMATES . . . 917.]				Cost.
Flour, 318,000 lbs.	.	.	.	\$10,948 27
Corn, 91,448 lbs.	.	.	.	977 97
Rye, 95 bush.	.	.	.	96 58
Shorts, 55½ tons	.	.	.	926 74
Oats, 980 bush.	.	.	.	359 50
Hay . . . . .	.	.	.	None.

	Cost.
Malt	None.
C. S. Meal,	None.
Sugar, 31,170 lbs.	\$2,892 33
Tea, 5,513 lbs.	1,626 61
Coffee, 4,741 lbs.	799 61
Chicory, 400 lbs.	39 50
Butter, 16,058 lbs.	\$3,082 60
Eggs	274 38
Groceries, various	1,518 40
	<hr/>
	4,875 38
Beans and Pease, 17,138 lbs.	439 58
Potatoes	None.
Salt Beef, 42,600 lbs.	2,373 00
Molasses, 973 gals.	433 20
Salt Fish, 17,900 lbs.	463 05
Fresh Fish, 36,424 lbs.	1,582 68
Rice, 4,945 lbs.	366 49
Oatmeal, 9,200 lbs. } 10,700 lbs. { \$282 50	
Rye Meal, 1,500 lbs. } { 32 50	
	<hr/>
	315 00
Milk, 58,815 qts.	1,824 44
Fresh Meat, 87,845 lbs.	4,775 84
Drugs, various	2,113 25

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1880,
to Oct. 1, 1881.*

[INMATES 919.]	Cost.
Flour, 323,988 lbs.	\$9,718 75
Corn, 103,376 lbs.	1,125 00
Rye, 17 bush.	18 20
Shorts, 63½ tons	1,237 37
Oats, 935 bush.	419 75
Hay, 10½ tons	249 66
Malt, 10 bush.	11 20
C. S. Meal	None.
Sugar, 36,973 lbs.	3,070 56
Tea, 5,539 lbs.	1,519 56
Coffee, 8,339 lbs.	1,241 50
Butter, 18,467 lbs.	\$3,437 20
Eggs, 1,047 doz.	232 58
Groceries, various	913 99
	<hr/>
	4,583 77
Beans and Pease, 17,325 lbs.	546 71
Salt Beef, 40,600 lbs.	2,328 50
Salt Tongue, 200 lbs.	15 50

	Cost.
Salt Fish, 19,200 lbs.	\$608 78
Fresh Fish, 36,132 lbs.	1,592 37
Fresh Meat, 95,314 lbs.	5,509 44
Molasses, 906 gals.	412 38
Rice, 12,399 lbs.	764 10
Oatmeal, 10,500 lbs. } 14,500 lbs. { \$308 25	
Rye Meal, 4,000 lbs. }	87 60
	<hr/> 395 85
Milk, 58,558 qts.	1,895 13
Drugs, various	1,661 65

*Consumption of Food at Tewksbury Almshouse from Sept. 30, 1881,
to Oct. 1, 1882.*

[INMATES 895.]	Cost.
Flour, 327,908 lbs.	\$12,018 50
Corn, 92,400 lbs.	1,349 50
Rye	None.
Shorts, 57½ tons	949 83
Oats, 340 bush.	202 50
Hay	None.
Malt, 10 bush.	17 00
C. S. Meal, 10 tons	281 00
Sugar, 34,162 lbs.	2,972 45
Tea, 5,727 lbs.	1,490 31
Coffee, 7,623 lbs.	1,104 49
Butter, 16,460 lbs.	\$3,446 91
Eggs, 934 doz.	225 02
Groceries, various	1,347 22
	<hr/> 5,019 15
Beans and Pease, 18,600 lbs.	919 90
Salt Beef, 43,800 lbs.	3,045 00
Salt Fish, 23,245 lbs.	831 55
Fresh Fish, 33,117 lbs.	1,454 51
Fresh Meat, 88,528 lbs.	6,465 04
Molasses, 1,041 gals.	511 84
Rice, 10,633 lbs.	751 35
Oatmeal, 9,300 lbs. } 12,900 lbs. { \$329 25	
Rye Meal, 3,600 lbs. }	77 60
	<hr/> 406 85
Milk, 39,852 qts.	1,295 19
Drugs, various	1,656 52

Summary of Food Values, October 1, 1869, to October 1, 1882.

OCTOBER TO OCTOBER.	Flour.	Sugar.	Tea.	Coffee.	Groceries.	Beans and Pease.	Salt Meat.	Fresh Meat.	Salt Fish.
1869 to 1870, purchases, " farm products,	\$9,298 50	\$1,584 59	\$1,774 00	-	\$1,740 56	\$549 97	\$3,098 92	\$4,761 80	\$1,055 70
1870 to 1871, purchases, " farm products,	9,590 85	1,463 34	1,455 95	\$63 58	881 23	728 80	3,650 00	1,408 90	-
1871 to 1872, purchases, " farm products,	14,261 38	1,546 69	1,264 62	-	1,182 47	875 58	1,125 00	599 31	610 75
1872 to 1873, purchases, " farm products,	11,038 25	1,640 94	1,286 73	117 17	-	-	2,396 30	5,275 37	717 05
1873 to 1874, purchases, " farm products,	11,644 00	1,709 90	1,410 22	111 63	1,316 34	861 83	2,000 00	627 68	-
1874 to 1875, purchases, " farm products,	9,909 25	2,494 21	1,184 08	135 46	1,083 60	1,033 08	2,077 10	6,612 56	628 50
1875 to 1876, purchases, " farm products,	9,925 25	2,320 36	1,182 03	829 63	1,406 65	749 92	1,928 40	492 49	-
1876 to 1877, purchases, " farm products,	12,199 50	3,289 68	1,563 08	1,723 73	1,169 06	380 44	1,671 70	5,703 59	619 40
1877 to 1878, purchases, " farm products,	8,798 00	2,812 51	1,203 33	1,659 92	1,783 88	661 18	1,832 30	431 20	-
1878 to 1879, purchases, " farm products,	7,079 62	2,555 39	1,208 31	1,137 05	1,455 19	610 83	1,730 25	4,087 52	737 00
1879 to 1880, purchases, " farm products,	10,948 27	2,892 33	1,626 61	712 21	1,113 34	466 52	2,321 00	622 37	-
1880 to 1881, purchases, " farm products,	9,718 75	3,070 56	1,519 56	799 61	1,518 40	439 58	1,509 10	4,531 18	790 75
1881 to 1882, purchases, " farm products,	12,018 50	2,972 45	1,490 31	1,104 49	1,347 22	919 90	1,882 00	4,940 53	618 30
	-	-	-	-	-	-	1,269 80	495 46	-
	-	-	-	-	-	-	1,693 50	4,411 78	562 00
	-	-	-	-	-	-	756 90	1,015 35	-
	-	-	-	-	-	-	2,259 50	4,729 71	402 47
	-	-	-	-	-	-	1,252 72	542 58	-
	-	-	-	-	-	-	2,373 00	4,775 84	463 05
	-	-	-	-	-	-	952 10	950 32	-
	-	-	-	-	-	-	2,344 00	5,509 44	608 78
	-	-	-	-	-	-	1,243 40	7,119 77	-
	-	-	-	-	-	-	3,045 00	6,465 01	831 55
	-	-	-	-	-	-	1,598 40	506 94	-

Summary of Food Values — Concluded.

OCTOBER TO OCTOBER.	Fresh Fish.	Molasses.	Rice.	Eye and Oatmeal.	Potatoes.	Milk.	Butter.	Eggs.	Drugs.
1869 to 1870, purchases, " " farm products,	\$194 66	\$1,292 25	\$242 72	\$84 50	\$2,000 00	\$3,366 08	-	-	\$507 24
1870 to 1871, purchases, " " farm products,	1,374 20	911 42	663 12	101 90	2,450 00	3,592 48	-	\$128 40	339 62
1871 to 1872, purchases, " " farm products,	1,424 10	887 63	878 37	134 95	2,000 00	3,694 56	-	161 85	642 43
1872 to 1873, purchases, " " farm products,	1,345 96	678 62	644 98	142 51	2,000 00	3,689 12	-	142 65	814 82
1873 to 1874, purchases, " " farm products,	1,337 96	829 54	435 67	245 38	2,325 00	3,794 08	-	234 45	863 23
1874 to 1875, purchases, " " farm products,	1,348 04	248 50	511 94	224 27	2,100 00	1,526 15	\$1,420 14	187 05	1,220 92
1875 to 1876, purchases, " " farm products,	1,518 13	187 23	329 61	323 26	1,800 00	2,778 23	3,082 66	238 00	1,085 37
1876 to 1877, purchases, " " farm products,	1,585 63	375 60	271 93	376 00	1,200 00	4,764 40	3,061 97	67 57	2,189 23
1877 to 1878, purchases, " " farm products,	1,543 56	372 90	210 44	346 80	1,750 00	2,302 38	2,299 67	207 50	1,597 56
1878 to 1879, purchases, " " farm products,	1,552 80	391 48	503 03	285 75	1,800 00	4,050 16	2,297 12	310 10	1,691 44
1879 to 1880, purchases, " " farm products,	1,582 68	433 20	366 49	315 00	2,100 00	2,104 47	3,082 60	138 96	2,113 25
1880 to 1881, purchases, " " farm products,	1,592 37	412 38	764 10	395 85	1,674 00	1,824 44	3,437 20	274 38	1,661 65
1881 to 1882, purchases, " " farm products,	1,454 51	511 84	751 35	406 85	1,859 40	2,875 60	-	163 71	1,656 52
	-	-	-	-	-	1,895 13	-	232 58	-
	-	-	-	-	-	2,887 92	-	198 49	-
	-	-	-	-	-	1,295 19	3,446 91	225 02	-
	-	-	-	-	-	3,296 16	-	144 44	-

Q. (By Mr. BROWN.) Have you any table showing values?

A. I have a table of complete values for each year, and it has on the upper right-hand corner the number of inmates, according to the register.

Q. Very well, take the year 1869? A. They are added up and are only values of different articles — the cost.

Q. Have you a table showing the values in 1862, except as shown here on the list already submitted? A. No, sir; that is the only 1862 I have.

Q. Then go to the one commencing 1869-70? A. What is your question.

Q. My question is, Have you a table showing the values in that year? A. Yes, sir; the actual amount paid. Not how much per pound, but the cost according to the auditor's bills.

Q. And the average number of inmates for each year — how did you get that? A. The average number of inmates I took from the printed report up to 1874; and from the daily statement on daily sheets handed to me by Mr. Marsh, daily averages for each day, every night's account, added up and divided by 365.

Q. (By Gov. BUTLER.) From the official reports? A. I have not compared them with the official reports.

Gov. BUTLER. I think you should do that.

The WITNESS. It won't take but a few minutes.

Mr. BROWN. Now I want to put these in. As I understand, they are all complete except adding up.

The WITNESS. I have not added them.

Gov. BUTLER. Better have them all added.

The WITNESS. Now, then, when you come to this I should like to ask the sense of the committee about this. In these tables, year by year, I have put in shorts, oats, cottonseed-meal, etc. Now those are all items which I have eliminated in my calculations about food, because they are not food. Corn I have put in because I understand that was ordered ground in the mill, and is recorded so on the books. I should have to strike out, then, these items there of cottonseed-meal, shorts and oats. I started this on a much more comprehensive scale. There are items in here that are not properly items of food, which I have eliminated from that final report, which the Governor can see by looking it over and comparing it. For instance, there is rye. As I understand it, rye was principally used for the adulteration of coffee.

Gov. BUTLER. What?

The WITNESS. Ten or twenty bushels; it was simply used to add to the boiling coffee, probably.

Gov. BUTLER. You would contradict the cook; that won't do.

The WITNESS. That is generally what rye is used for, isn't it?

Gov. BUTLER. No, no. We make pudding up in our house, a great deal — rye and indian.

The WITNESS. Well, here is rye and there is oats and shorts; probably you would not use cottonseed-meal for food.

Mr. BROWN. Take your shorts —

Gov. BUTLER. Your shorts would not go in, but I should think your oatmeal would.

The WITNESS. Very well.

Gov. BUTLER. The oats should be taken out; they are for horses.

Mr. BROWN. Then just go through these statements one after the other so we can have them go into the report. Begin with 1869-70.

The WITNESS. Now, what do you wish me to do, sir.

Mr. BROWN. Just give us the estimate you have on each as to the value, commencing with 1869-70.

The WITNESS. [Reading.] Flour, \$9,282.50; corn, \$1,298; sugar, \$1,584.59; tea, \$1,774; groceries, \$1,740.56; beans and pease, \$549.97; salt beef, \$2,615.52; salt tongues, \$483.40; fresh meat, \$4,761.80. Here I shall have to explain in regard to fresh meat. I found bills in the auditor's department for so many beeves; and also butchers' bills for slaughtering. And I looked over and found that there were fourteen head of cattle butchered that were not raised on the place, but were purchased at Brighton. I saw the bills for them. I figured them at 600 pounds per head, which I think is a fair calculation, and took for the market price the same price whatever they paid for them. That would give the institution the benefit of the portion which they sold — the hides, etc. I made no allowance for that, which would bring up the cost of the food so much more than it actually was, because they got the drawback on the tallow they sold for soap stock, and the hides. There were two items. Twice they tried the experiment of buying beef at Brighton. I have made some inquiries, and I find that 600 pounds of beef was a good estimate. It only occurred at two

periods. At one time they bought twenty-four head, and at another time sixteen head. [Reading.] Salt fish, \$1,055.70; fresh fish, \$494.66.

Gov. BUTLER. Why should you spend time to put this in? I don't think it is necessary.

Mr. BROWN. I want simply to explain this to the committee.

The WITNESS. [Reading.] Molasses, \$1,292.25; rice, \$242.72; rye meal, oatmeal, cracked wheat, \$84.50; drugs, \$507.24. That completes one sheet, leaving out hay, cotton-seed and shorts.

Q. (By Mr. BROWN.) Now, you have made that examination of all the bills, and you have a schedule for each year?

A. Precisely the same way; yes, sir. Every bill in the auditor's office was opened and looked at, and passed through my hands.

Q. Now, just how many sheets are there? A. There must be thirteen, I should judge; thirteen sheets for thirteen years.

Q. And every bill in the auditor's office you have examined? A. I have examined them and placed them under these headings. Of course there are a great many bills that don't appear there.

Mr. BROWN. Then without going over and reading all these, I will submit these as they are in this form. Perhaps your Excellency would like to look at some of them.

Q. (By Mr. BROWN.) Now, Mr. Grothusen, give your next calculation. Have you any other calculation? A. No, sir; that completes the whole. I have explained how I got at the first, by taking the amount on hand and adding the pounds and cost.

Q. Have you got a summary of all these food quantities? A. For the entire period?

Q. Yes. A. No, sir. I didn't think that would enter into the account. I gave each by itself. I have shown the average amount to the number of inmates.

Q. Now, have you carefully read the testimony of Mr. Fairbanks given in this case? A. Yes; I have read it over. I have not particularly studied it; I have read it over.

Q. What other accounts have you examined in your experience as an expert? A. Well, there is hardly any class of business that I have not examined — regular business; this is my first experience in an almshouse investigation.

Q. Now give us, if you have any other, particular sets of

books which you have examined. A. I have examined the books of woollen mills, hardware concerns, and dry-goods houses.

Q. Give us the names? A. I don't think I ought to do that, because the parties would generally call on me when they are in trouble; and I don't want to give their names.

Gov. BUTLER. This gentleman is an expert; you need not trouble yourself to qualify him any more.

The WITNESS. I can say this: I will refer you to Francis E. Parker, John H. Loring, William Minot: those gentlemen won't object. — I use their names because they acted as counsel as I did. — and Hyde & Dickinson.

Gov. BUTLER. This gentleman is an expert; I have examined his work enough to know that.

Q. (By Mr. BROWN.) Now Mr. Grothusen did you find any inaccuracies in these books? A. Which books? .

Q. These almshouse books? A. I have not found any inaccuracies. I have looked over the books, as it was necessary occasionally, in comparison with the auditor's books, to get a general idea about them, and to find what the books consist of. As I said before, there were a great many more books than should be kept in any such institution. I think the book-keeping of the State should be done in the auditor's office. An institution of this kind ought to have simply a tabulated statement of the provisions received and the rations issued out; and all the bills should be put in the auditor's department, and warrants issued there.

Q. That is, you express the opinion it should be done in the auditor's office rather than by the superintendent of the Tewksbury almshouse? A. I said all; I should have said the book-keeping. I have talked this matter over with Mr. Hawley downstairs; but if book-keeping is done at the institution, I will say this: that the books kept at Tewksbury were full and complete; more than that, because journalization is unnecessary labor which most book-keepers do away with now. It was done at Tewksbury. The journalization of his cash made unnecessary work.

Q. If I understand you, then, the fact that the journal at Tewksbury hadn't been written up for any considerable length of time — for instance, suppose it hadn't been written up for a year, would that interfere with the accuracy of the accounts? A. No; up to that time; the books were right up to that time

You cannot go any further than the books are written up; and you close up and take a trial balance to the last date of writing up.

Q. Did you make any of these examinations — strike any of these trial balances? A. No, sir, I did not; because I saw the books were there and they compared with the auditor's, month by month, as I examined them. They compared with the auditor's account, and I found a trial balance on hand, and I understood by reading the testimony of Mr. Fairbanks that Mr. Fairbanks had been over them and found it to be correct.

Gov. BUTLER. We never have disputed the correctness as between the auditor's accounts and these books; they must be so, or they would have been detected in five minutes.

The WITNESS. And the fact that Mr. Fairbanks refers to obscureness — I think he calls it — in the entering of the stock account; was simply where the purchaser — Moulton — I don't know what his name is —

Gov. BUTLER. His name is Moulton, for short — Henry Moulton.

The WITNESS. He had made a cross entry, transferring from the State account to the State almshouse account. I looked it up with Mr. Records a day or two ago and we brought the account straight again. It is a thing that would happen anywheres.

Q. (By Mr. BROWN.) Have you examined the inventories which have been made from time to time of property on hand?

A. Yes, sir.

Gov. BUTLER. That is, made by a board of appraisers?

Mr. BROWN. A board of appraisers, outside.

Q. (By Mr. BROWN.) And you examined those original inventories? A. Yes, sir.

Q. And in making your calculation of the amount of food consumed you take out in each year the amount stated under oath to have been on hand on the first of October? A. I do.

Q. Now, in regard to the manner in which these books are kept, for neatness? A. Well, they are unquestionably neat. They will average better than books that generally come under my observation. They are very neatly kept. I don't think I found any fault in any way, shape or manner with the neatness. I don't remember ever seeing a set of books so free from erasures and trans-entries. There are one or two entries marked void in the whole course of a year, which I consider very remarkable.

Gov. BUTLER. Very.

The WITNESS. The only question in my mind about the books was that I thought the clerk might have found time to write up the last year; but it would not invalidate the rest of the books.

Q. Nor would it embarrass any department in transacting the business of the institution? A. No, sir. The principal book, the bill book, was all written up. I think the invoice or bill book was written up to the 31st of March, 1883.

Cross-examination by Gov. Butler.

Q. Your idea, if I understand it, is that all the book you need to keep is an invoice book; that is, a book of the bills and purchases? A. Yes, sir. That is, I beg your pardon, Governor, provided the system is changed.

Q. I understand. When you come to a proper system? A. Yes, sir.

Q. All that need be kept is that. Whenever Mr. Marsh purchases a lot of coal or a lot of flour or some clothing he should have a bill book on which those bills are entered? A. Yes, sir. It should be tabulated; it should be a large book.

Q. I understand that it should be tabulated; but that is all the entry you would have? A. Yes, sir.

Q. And you think that is all the book that is wanted? A. That is all the book that the institution should have, I think, except the books actually pertaining to the institution; that is, of admissions and discharges.

Q. I don't mean that, I mean books of account? A. Yes, sir.

Q. Well, now, suppose Capt. Marsh should sell a lot of coal or a lot of calves, or a lot of meat, or a lot of pork, where would you enter that on the invoice book? A. There would be but very little. I take it that he should not, — an almshouse would not be likely to sell coal.

Q. Pardon me, there might be a case. But there would be a good deal of products they would have to sell. Then you would have a column for that; a report of each sale.

Q. What would you put at the head of that column? A. Sales — farm products.

Q. That is all you would have on the book? A. That is all.

Q. How would you check that sale of farm products to see

whether you got an honest account of it? A. How would I check it?

Q. Yes. A. Well, if anybody will steal there is no check at all.

Q. I beg your pardon; then, in your book-keeping there will be no check upon the stealing, will there. — your system of book-keeping? A. There is none in this system, now; is there in any —

Q. I will agree with you, sir; therefore they were stealing like the devil. I agree with you perfectly. A. There is no check against stealing in any set of books, sir.

Q. Isn't there? There is some way of being able to trace it, isn't there; but how would you trace it from this set of books if they had sold any amount of stuff, how would you trace it from this set of books or from your set of books? A. Trace it from one just as well as from the other.

Q. But, from this set of books, how would you find out? What account is given? A. There is no primary evidence of what they have raised on the farm.

Q. I see there is no evidence of what they raised; very well. Now, is there any evidence in their books of what they have expended? They have bought so many pounds of sugar. — what evidence is there on their books that a pound of that has been used? A. No evidence of the division of rations.

Q. What? A. There is no evidence of the division of rations.

Q. Then wouldn't you think in such an institution there had better be, as things were delivered out from the store-room, a delivery book? A. Why, certainly.

Q. Very well; but you didn't provide for that. That would not be an invoice book by a long chalk. You have not provided for that, and they haven't had one there. Isn't that the very system which prevents their stealing; they must charge themselves with so many barrels of flour? A. Yes, sir.

Q. Now, then, there must be a book to show that that was delivered, or else it is on hand, or else it has been stolen, musn't there? A. Yes, sir; that would apply to the goods purchased, because the auditor's office, paying for the goods, would furnish the original proof of their having gone there.

Q. But how they were used is what we want to get at. A. They should have a schedule of rations issued.

Q. What? A. They should have a schedule of rations issued.

Q. They should have a schedule of rations issued, but they have nothing of that kind, and your invoice book, which you think was the only one necessary to be kept in that institution, don't provide for that, does it? Now, let us try it again. You say that you found these books agreed with the auditor's accounts; now, if the auditor's accounts were made up from these books they would be correct, anyhow, wouldn't they? A. Presumably.

Q. Yes, precisely; then, the fact that those books agreed with the auditor's accounts, is no evidence of the correctness of either account, is it? A. I was asked whether I found the books correct; I was not asked whether everything was properly accounted for, or whether anything could possibly have been stolen or not.

Q. Hear my question and answer it. It is in testimony here that Mr. Marsh, once a month, made up a lot of invoices, a schedule of invoices, and sent those invoices to the auditor and entered them on his books; and, except in case of clerical error, those two accounts must agree, mustn't they? A. Certainly.

Q. Very well; then, is the fact that they are found on the auditor's books any evidence that they are correct in fact? A. Well, the presumption is —

Q. Leave out your presumption. A. Certainly.

Q. I want to know what the evidence is; is there any evidence, if the auditor's books are simply a transcript of Marsh's books and nothing more, is that any evidence that these auditor's books are correct? A. Well, in what respect, please?

Q. In any respect correct. Suppose Mr. Marsh should make his books wrong, then the auditor's books would agree with his and be wrong? A. They would be wrong too, sir.

Q. And suppose he should make them right, then, the auditor's books, agreeing with his, would be right? A. Precisely.

Q. Therefore the auditor's books don't help us any, do they? A. There are the receipted bills.

Q. There are the receipted bills of what was purchased? A. Yes.

Q. Now, whether these goods have been delivered there is not the slightest evidence, is there? A. No evidence further

than the character of the parties of whom the goods were purchased; they would not render the State a bill and take the pay for it unless they had delivered such goods.

Q. Then, all the check the Commonwealth has got is the character of the men the State has purchased of. We are on the book-keeping now, and not the character of the men. A. The book-keeping would give you no clue to it in any event.

Q. Let us see about that. Leaving out the character of the men, suppose Mr. Marsh, for instance, — for we are trying to hedge him or anybody else who is in his place about by book-keeping, — suppose he should go and buy 500 barrels of flour of a man, honestly and fairly, one of these gentlemen of character, and the man should send 400 hundred to Tewksbury to carry on the almshouse, and 100 down to Exeter to carry on the students' boarding-house — is there anything in the books to show that or prevent that? A. No, sir; there is nothing to prevent it.

Q. Now, very well — A. Neither would there be in any set of books.

Q. Let us see whether there would not be. Now, suppose Mr. Marsh had had a delivery book kept by a party for the delivery of all this flour for use, why, then, if a hundred barrels didn't appear there on the delivery book, they must either have gone to Exeter or else must be at the institution unused, mustn't they; if not accounted for in the institution, it must have gone somewhere else, mustn't it? A. Yes, sir; if not accounted for in the institution.

Q. Very well; then there can be a system of book-keeping by which there is a check upon it. Now, with the same number of inmates, not any great difference, in 1881, I find there were 1,668 barrels of flour used; running back I find that they got along with 1,384; going a little further back, I find they got along with 1,449; then I find another year 1,519, — these are all actual consumption? A. Yes, sir.

Q. Then, 1,553; then, again, 1,685, showing a pretty wide discrepancy; then, the institution ran on with 1,279; then the institution ran with 1,699, the next year; then, the next year, they got along with 1,300 barrels, and then, the next year, with 1,326 barrels, according to your account, of actual consumption. Now, pass me the table of '62 and '82. I find that in '62 they managed to get along with 1,401 barrels of

flour; in '82 they got along with 1,676, — that is, 275 barrels more. A. Yes, sir.

Q. And the number of inmates was the same. Now, then, do you find the corn made that difference? A. Yes, sir; that made up a great part of the difference; a thousand bushels of corn is 60,000 pounds.

Q. Now, the beef in 1882? A. There is within 1,000 bushels difference, I find.

Q. The beef was more? A. Five barrels more, sir.

Q. What? A. I think five barrels more.

Q. Five barrels more? A. Yes, sir.

Q. The fresh meat was 52,566 pounds against 88,000 pounds; they went it pretty strong on that? A. Yes, sir: 30,000 pounds more of beef.

Q. When they had so much more flour, — probably made up the beef into pies. And salt fish was a good deal stronger, — 16,000 pounds in '62, and 22,000 pounds, leaving out the odd pounds, in '82, there is 6,000 pounds more of salt fish. And then there was fresh fish, 21,000 pounds in '62, and — A. Thirty-three thousand pounds in '82.

Q. And then, there was 4,000 pounds of sugar in '62, — which would have been a considerable quantity for the officers, I should think, — and there were 33,000 pounds in '82. And then they fell off in molasses.

Mr. BROWN. How much sugar was that?

Gov. BUTLER. 33,012, as I read it, sir.

Mr. BROWN. How much in '62?

Gov. BUTLER. 4,394 pounds. But it is fair to say that in '62 they had 5,000 gallons of molasses against 980 at the other time.

The WITNESS. Reduce that molasses to pounds, and you will probably get it. I didn't know, — of course, I got these figures up as I found them; I am not supposed to be an expert in running an almshouse.

Gov. BUTLER. And I am dealing with figures, now, and not with your suppositions.

Q. Butter, 3,127 pounds in '62, and 16,460 pounds in '82; eggs, 326 dozen in '62, and 934 dozen in '82. Pease and beans, — there was 624 pounds in 1882 and 18,599 pounds — A. They raised no beans in '82, and they raised them in '62.

Q. These are bought beans, then? A. These are all bought; yes, sir; these are the comparisons.

Q. Now, they raised 80 bushels in '62. — there was not much difference in beans. — in '62 they had 47 bushels of beans, and in 1882 they had 30 bushels of beans; they raised some more beans in '62 than in '82; and yet, with more beans raised, they had 6,240 pounds of them needed in '62, and they needed 18,000 pounds in '82. Then, they had 50 pounds of rice in '62 and 9,843 in '82; and, of oatmeal, they had 2,300 pounds in '62, and they had 9,200 pounds in '82; and rye meal, they had 600 pounds in '62 and 3,600 in '82. You got an idea that went to eke out the coffee. A. No, sir; not the rye meal. I said there were some few barrels of rye grain, whole grain; at least. I have heard it stated that in public institutions such a thing is done; I don't know as it was done in Tewksbury.

Q. Now, coal: they had 577 1-2 tons in '62 and 2,192 tons in '82; that was four times as much, five times as much, and they hadn't any more men to warm. And, to sum it all up in one word, sir, this is it, isn't it? That, according to their report, in '62, with the same number of men, it only cost, all told, to carry on this institution [examining book], — I have the wrong book, I will take it the other way, — [referring to another book] it cost, in '82 to carry on this institution, \$99,096.35, — see if I give that correctly? [Handing book to witness.] A. Yes, sir.

Q. Cost \$99,096.35 to carry it on, and in '62, — the same number of inmates, a good many more officers, you know, we agree to that, — it cost \$49,197. I am right there, am I not? A. Yes, sir; those figures include —

Q. Pardon me — A. Include a great many things I don't know anything about.

Q. I understand; you haven't gone into that. A. I have not gone into patent wringing machines, patent steam heaters, and such things.

Q. You were not set to do that. A. I was to take the provisions.

Q. You did what you were told to do? A. Provisions; yes.

Q. And you were told to take that which would make the best showing for the Marshes: I understand all that. But now I quote their own report of what it cost to carry on this institution. Well, now, in '62 it only cost \$1.03 8-13 an inmate; that is right, isn't it? A. I presume your reading is right.

Q. I try to put it right, but I sometimes make mistakes.

And here, if I remember right, it cost about \$2.09 and some odd cents, or \$2.17, I am not certain which, an inmate, to carry it on. They were proud of it in '62, and they put it right down where we could see it; but we have to calculate it in '82, because they are not so proud of it. [Examining the book] I have it at last, sir,— \$2.09; I thought I was right.

The WITNESS. Pardon me; I don't see what that has to do with my work.

Gov. BUTLER. It don't have anything to do with your work, sir, in the world. Your work is exactly correct, so far as you have done it; but it has a great deal to do with the men that set you to do that work. That is the only difference.

The WITNESS. I was asked to collate the provision account, and I tried, to the best of my ability, to do so.

Gov. BUTLER. I have no doubt and you have done it accurately, sir; but I only want to see that you don't make a showing which is not a true one. Figures won't lie unless you make them.

The WITNESS. Mine won't lie.

Gov. BUTLER. I understand; they will show exactly what you calculated upon.

Q. Now, you have already shown us that in 1882 they didn't get as much food to eat as they did in 1862, by your calculations here. A. The nature of the food was changed some.

Q. I am not now upon the nature; you are not bound to excuse the institution. If you want to stand by your figures and not appear partisan, you had better not put in an explanation for the Marshes. A. I am not counsel for the Marshes.

Q. Whether the food was good or bad — A. I could not help you; that was not my affair.

Q. That was none of your affair; but, whether good or bad, they got the food they got, four pounds a day in '62 against 3.45 in '82, although they had so much more food, apparently, purchased in '82.

Mr. BROWN. That is in money but not in pounds; the pounds of food was greater in '62 than in '82.

Gov. BUTLER. Clearly; and the money was a great deal less. That is the point, don't you see?

Mr. BROWN. There is 150,000 pounds of potatoes, you must recollect, to go in there.

The CHAIRMAN. The institutions are entirely different.

Gov. BUTLER. What, sir?

The CHAIRMAN. The institutions are quite different; I suppose you take that into consideration.

Gov. BUTLER. Yes, I do; that in '62 there were a great number of able-bodied men, and in '82 there were a good many not able-bodied women, a good many sick, and in the language of a very estimable lady whom I know, it was almost a hospital. Now, I suppose they don't eat quite so much food in a hospital as they do elsewhere. I didn't put in that difference, — I am as ready to argue it with the chairman now as any time.

The CHAIRMAN. It cost more, I suppose, and it weighs more; but we won't stop to argue it. I think, in connection with the figures, it should be understood that the institution is not the same.

Gov. BUTLER. The cost is the same; the cost of an article is only what the difference is in the market.

The CHAIRMAN. Yes, sir.

Gov. BUTLER. And this we will go into by and by. That don't depend on the different kind of institution.

Q. Now, I want to find out where you got your idea that they put rye in coffee in that institution? A. I have heard that in public institutions rye was mixed with coffee; heard it frequently.

Q. You have heard that frequently, and you thought — A. I didn't put it in with the coffee, but I merely called attention to it; the accounts were merely rye grain.

Q. Now, will you tell me again, in this calculation, when you make one up for me, as you are going to, what is the percentage of difference in cost of flour, meat and fish, — flour, various meats and fish, — what is the percentage of difference in cost between '62 and '82, and, then, will you give me the percentage of difference in amount? A. You wish me to do that hereafter?

Gov. BUTLER. Yes, hereafter; you are going to put this in and you will make that for me.

The WITNESS. Will you kindly put that down and then I shall know.

Gov. BUTLER. Will you put it down yourself, and then you can read it; if I should you might not be able to.

The WITNESS. I will risk that.

Gov. BUTLER. I want the percentage of difference in cost of the principal articles of food which appear in '62 and '82.

The WITNESS. Those I have enumerated will do, I suppose.

Gov. BUTLER. I mean some of the principal articles, not a long string of it, — flour, meat, fish.

The WITNESS. Simply the principal articles, leaving out the rye meal and oatmeal?

Gov. BUTLER. Oh, no; not the small articles. Now, then, having given me the percentage of difference in cost, give me the percentage in amount, because I want to meet the argument that they eat more there now than they used to.

Q. Now, Mr. Expert, let us go to another matter of book-keeping. Did they show you the inmates' cash-book? A. I saw it; yes, sir.

Q. Did you see any erasures there? A. I saw some; yes, sir.

Q. Were you able to explain those? A. No, sir.

Q. Now, did you find out whether the calves that were sold were entered on the books or not? A. The calves?

Q. Yes. A. No, sir.

Q. Or pigs? A. No, sir.

Q. Or rags or bones? A. No, sir.

Q. Or barrels; did you find any account of them? A. I found a large number of barrels credited by various concerns as having been received from them; credited on the bottom of bills; I took no notice of that as that had nothing to do with consumption of food. For instance, J. W. Roberts & Co. and Jacobs would occasionally take off a hundred pork barrels returned at a dollar apiece, so much, and put it at the bottom of the bill to offset the full amount of the bill.

Q. Precisely so; made up the full amount of the bill? A. Yes, sir.

Q. Then you rather increase the expenditure, because the barrels go back? A. Yes, sir; it would be a very hard matter for me or anybody else to determine how many barrels did go back.

Q. That is exactly what I want to know. Whether one-half went back or didn't go back, you don't know? A. No, sir; I took no account of it.

Q. I am only on the bookkeeping now; now, then, I want to know if you can tell anything about the inmates' clothing from these books, how much of that was taken? A. No, sir; nothing.

Q. Did you find anything among the books of an account of the dead bodies that had been disposed of? A. No, sir.

Q. Well, now, all there is on those books, substantially, is an account of bills that purport to have been rendered and purport to have been paid? A. Yes, sir.

Q. That is all there is on these books, isn't it? A. Yes, sir; this classification of it.

Q. Those being classified monthly? A. Yes, sir.

Q. And what is paid for salaries? A. Yes, sir.

Q. That is to say, so much money has been taken out of the state treasury and these bills have been put in instead of it? A. Yes, sir.

Q. But where the goods went to, or who used them, or what became of them, or under what circumstances they were used, whether they were squandered or lost, or worse, the books will give us no account, will they? A. No, sir; there is no account given.

Q. And it is impossible to get any check upon them to trace any of all that property? This many hundreds of thousands of dollars, isn't it? A. I should say not.

Q. No man can trace from these books where all that property has gone, can he? A. Oh, no.

Q. Well, now, upon the whole, as you are an expert bookkeeper, don't you think it would be a little better to have books that would give means of tracing this? A. Well, there should be a ration-book, of rations issued from the store-room; but there would be no books that you could devise that would be able to give a full account of the farm products, if you come to that.

Q. Why not? A. Because the farm products —

Q. Why not? A. You would have to go into computations of how much seed there was put into the ground, and how many bushels the seed yielded —

Q. Well, now, I am not a bookkeeper, nor the son of a bookkeeper, but I think I could, and I guess there is many a farmer who can tell how much it costs to raise his crops. Suppose I should charge all the seed, all the labor, all the manure, and everything that I put on to my farm to the farm, and then I should credit everything that came off of it to the farm? A. Yes, sir; providing you should; but providing you should credit a portion, and send a portion off without crediting, — suppose you should credit a portion, and forget to credit another portion?

Q. Ah, but pardon me; that is not bookkeeping; that is

forgetfulness. A. It may be stealing. I simply want to make this point, that where there is no original certificate of indebtedness there is no possibility of tracing an account. In double entry bookkeeping there is an account, and then a debit and a credit, and the original atom, which no more can be erased from a set of books than an atom out of our material world can be.

Q. Stop a minute; let us see. The State appoints a set of appraisers, who have a good job of it, you and I agree, and pays them \$100 every year to appraise what is there; that being got, you have got a statement of all there is there, haven't you?

A. Yes, sir.

Q. Now, if you charge yourself with all you receive, charge yourself with that amount at the beginning of the year, and charge yourself with all you receive during the year, and credit yourself with all you expend, at the end of the year, whether it is on a farm or anywhere else, why can't you find out how you come out at the end of the year? A. Most assuredly you can.

Q. You can; now, what is the objection to having that institution having its books kept that way? There, you see, you have got it exactly. A. The auditor can make that up from his bills.

Q. Let us see him; has he got a bill of the growing beets? A. No, sir; but he has the bill for every dollar that was expended in the institution.

Q. Oh, no; he has not. Now, I will show you that that is not so, in a minute. Look here (taking up the almshouse report); take Mr. Marsh's own account. He says the amount drawn from the treasury for expense has been \$99,096.35; received for articles sold, \$1,387.83; received from effects of inmates who have died or absconded, \$33.03,—making \$1,420, which sums have been paid to the treasurer, in offset against the gross expenditure. Now, of those sums the auditor hasn't any account whatever,—paid into the treasury, as they have testified here,—and the treasurer has testified he hasn't any account, or of anything that is raised on the farm. A. No, I presume he would not, of what is raised, but the amount that is deducted there; but if it had been covered immediately into the state treasury upon receipt, or a bill made out against the parties to whom the calves or anything was sold, and the auditor collected it, he would.

Q. Pardon me; I am not talking about whether the auditor is keeping a good set of books, because that is no part of his

business, by statute ; but I am about a set of books that should be kept there ; the auditor or anybody else — you can keep a good set of books. I have no doubt, sir, if you have the data.

A. Must have data ; there must be the “ material,” as they used to call it.

Q. Now, when the Tewksbury almshouse was turned over to the board of state charities, they took an inventory of everything there? A. Yes, sir.

Q. Now, if they charge themselves with everything they receive, and credit themselves with everything they pay out, and those are properly itemized, there is no trouble in telling where everything has gone to, is there? A. No ; certainly not.

Q. Certainly not ; therefore it is possible to keep a perfect set of books there ; but you will repeat again that it is not possible to tell anything about it for the last twenty-five years, by the books you have seen ; isn't that so? A. As far as the distribution of the food is concerned.

Q. The disposition of the food or anything else? A. The record is complete of all the purchases, as far as I know.

Q. The record is complete of everything that went in, but the goings out is the thing? A. Yes, sir.

Q. There is no record of where it has gone? There has to be a record of what is bought, because you can't get the money out of the state treasury without it, under the law ; but there never has been for twenty-five years, so far as these books show, any record kept of what is done with that which is taken and paid for by the State,—for which money is taken from the State and paid? A. Providing such a set of books as this was to be continued at the institution, they might and they should be supplemented by a daily schedule of rations.

Q. How would a daily schedule of rations help us? I have heard that three or four times — how would a daily schedule of rations show whether they sold a calf or killed it? They might kill a calf and eat it, and then it would appear in rations ; but, suppose they sold a horse, or he died? A. Some people eat horse, you know.

Q. I know they do ; and they eat some salt horse, I guess, at Tewksbury ; but I am now talking about a horse they sold.

A. The inventory would show that ; they can't get a horse without buying him, and they can't get the money except from the State treasury.

Q. I want to know how your daily ration would show that.

You have kept telling me a half-dozen times over that a schedule of rations would show; now, how would a schedule of rations show us that a horse died or didn't die, or was stolen, or what happened to it, and so on with everything on that farm that didn't go into the rations; all that the horses eat, everything of that sort, all the products sold? A. They have a presumably correct account, — that is, I must say presumably, because I cannot verify it, — of everything sold.

Q. Yes; presumably correct, because you can't verify it; why presume it is correct because you can't verify it, any more than presume it is wrong because you can't verify it? A. Because there is no origin, no original bill for it.

Q. No original data? A. You can't have any original data.

Q. The question I am putting to you is, how will your daily ration schedule help that? A. It would not help that; but the money expended, all these bills I have been through —

Q. Money expended for food and daily rations would fix it? A. Yes; I am dealing now with that.

Gov. BUTLER. I am dealing with this whole bookkeeping. I don't think I want to trouble you any longer, sir, if you will give me those things in the morning.

Re-direct examination by Mr. Brown.

Q. You were asked with regard to the matter of flour, in a question which assumed that a hundred barrels of flour went to Exeter; I suppose if a hundred barrels of flour went to Exeter there would be way-bills upon the railroad or express company, or something of that kind, to show it, wouldn't there?

Gov. BUTLER. Unless it was carried in a wagon.

Mr. BROWN. I suppose, if it was carried in a wagon, there would be somebody to drive the wagon, and it wouldn't trouble you much to find him.

Gov. BUTLER. Yes, sir; Tom Kelliher.

Mr. BROWN. I notice that twenty-four hours' search at the Boston and Maine depot in Exeter hasn't produced anything yet.

Gov. BUTLER. Our turn hasn't come; yes.

Mr. BROWN. I happen to know what you got up there.

Gov. BUTLER. Anything else with this witness?

The CHAIRMAN. Go on, Mr. Brown.

Mr. BROWN. That is all.

Gov. BUTLER. That is all.

Mr. BROWN. A single question.

Q. I want to ask you, were you asked to examine the inmates' cash? A. No, sir.

Q. Were you asked to examine the erasures in the inmates' cash? A. No, sir.

Q. Or to furnish an explanation? A. No, sir.

Q. Was there anything said to you, from the time you commenced your investigation up to the present time, that you were to make any account that was favorable or unfavorable to any of the Marsh family? A. No, sir.

Q. Have you ever heard — A. I should have resented it if there had been.

Q. Have you ever had any instruction from anybody except from me? A. No, sir; I have not.

Q. Have you ever heard me mention the name of the Marsh family in connection with any instructions which were given you? A. No, sir.

Q. Now, I would like you to tell the committee just what instructions I did give you? A. You sent a note for me to call and see you on professional business, which I answered by going there, and you asked me to go to the State House, or meet you at the State House the next morning, was it, at half-past nine o'clock, — I forget, now, the exact hour, — and you would show me the Tewksbury books, from which you wished me to compile the consumption of food at Tewksbury from '62 to '82; that I have done to the best of my ability. I might have made it plainer, perhaps; some accountants might have done it better, perhaps.

Gov. BUTLER. Very well done, sir.

Q. You undertook to explain, in answer to one of the governor's remarks, in regard to the different amounts of flour in each year —

Gov. BUTLER. I don't think he undertook to explain.

Mr. BROWN. He did, and you stopped him.

Gov. BUTLER. I didn't know it.

Q. Now, for instance, take the item of flour; or anything that is made into bread, the oatmeal, or anything of that kind, has there been a change, — for instance, in some years would there be a large quantity of flour and a small quantity of oatmeal or corn, or something of that kind? A. Yes, sir; it shows there that one year, — the tables will show for them-

selves; I can't really give any explanation about that. There are the figures, they will speak for themselves. I can only guarantee their correctness as far as anybody can be correct; that is, generally correct; I suppose no man ever lived who didn't make an error.

Gov. BUTLER. I want to say, once for all, sir, that they are very correct, as far as I see.

Q. Take, for instance, in '62 there were 22 attendants; that is, officers and attendants? A. Yes, sir.

Q. In '82 there are 53. A. That is what I gathered from the receipts.

Q. There is a difference of 31; that alone would add to the expenditure of Tewksbury somewhere in the neighborhood of \$9,000 or \$10,000, would it not? I believe that the lowest price paid for an attendant was about \$25 a month. A. It was \$19,900 in one year, and \$7,760, — I can't keep all the figures in my head [turning to the tabulated statement] — \$7,227 in one year, and \$19,510 the other.

Q. I mean simply the cost to the State of the extra number of attendants, 31 more attendants, in '82 than in '62. A. It would be the difference between 19,000 and 7,200.

Q. I am getting at the simple matter of salaries paid to these attendants. A. That is the salaries.

Q. Now, something has been said to you in regard to the large amount of coal, — coal in '62, 577½ tons, in '82 2,192 tons; three and a fraction times more coal in '82 than '62.

Gov. BUTLER. Four and a fraction, isn't it?

The WITNESS. No, sir; three, not quite four.

Q. It was not quite four. Now, of course, in order to show that there has been an excessive use of coal, it must be shown that they only heated the same number of square feet in each case. A. The number of inmates would have nothing to do with it; it is the number of square feet.

Q. We have had in evidence here that there have been several large buildings built, which are to be heated, since '62; so would that be any fair estimate, the fact that there has been a larger amount used; would you make any charge upon that?

Gov. BUTLER. That is not a matter of book-keeping.

Mr. BROWN. You called his attention to that.

Gov. BUTLER. I only called attention to the figures; I didn't call his attention to the testimony that they had to wear overcoats now in the hospital.

The WITNESS. By having a civil engineer measure the room space it would give you that. It is beyond me, — I could do it, but it is not my business. I once in a while look over a few mathematics.

Q. Now, I want you to point out and give to the committee in a very few moments, the additional expenditures in Tewksbury in '82 over '62 by the use of tea and coffee.

Gov. BUTLER. By what?

Mr. BROWN. By the use of tea and coffee. Tea and coffee was not used at Tewksbury in '62 to any considerable extent; just give us the additional expenditure in Tewksbury in '82 over '62 by the introduction of tea and coffee, and then show by the papers —

Gov. BUTLER. He can't do that.

Mr. BROWN. Why not?

Gov. BUTLER. I will tell you why; he can tell you how much has been purchased, but how much is used he can't.

Mr. BROWN. Of course, he can't say how much was used.

Gov. BUTLER. Then why ask him?

Mr. BROWN. But we will assume that it was used till somebody shows the tea and coffee was lugged off; we have heard a good many insinuations, but no evidence yet. [To the witness.] Then show what the expenditure was.

Gov. BUTLER. That I have no objection to; it was only the use.

Mr. BROWN. [To the witness.] Then take a pencil and show us what the expenditure was in '62 and '82 on account of tea and coffee.

The CHAIRMAN. While he is figuring that can't you call somebody else?

The WITNESS. It won't take but three minutes; I have it right here before me.

Q. (By Gov. BUTLER). Give me the pounds of tea, sir?

A. The pounds of tea in '82, 5,307.

Q. And coffee? A. And coffee, 7,333.

The WITNESS. The expenditure for tea and coffee both together; or do you want the coffee separate, Mr. Brown?

Mr. BROWN. Just the total expenditure.

The WITNESS. \$2,443.10; that is in '82.

Q. In what article? A. Tea and sugar combined; 5,307 pounds of tea at .26 a pound, and 7,333 pounds of coffee at .14½ a pound, would be \$2,443.10. Whereas, in '62, I find no

coffee, except as I have heretofore stated, once in a while a little which is put right in with groceries, and a lot of 657 pounds of tea, of which 298 pounds were Japan tea at 19 cents and a half a pound, I think, — that is, about one-third of that lot of 657 pounds was Japan tea, — and the rest was Oolong tea. I don't presume, because I am not supposed to presume anything, but am led to believe that Oolong tea was not given to the inmates. The tea during that year was \$262.80 against \$2,443.10.

Q. (By Mr. BROWN.) So that in the two items of labor and tea and coffee, there would be a difference of over \$12,000?

A. Yes, sir; it is \$12,000 alone, — 12,310 or \$12 dollars in the employees.

Q. Between fourteen and fifteen thousand dollars in the matter of attendants and tea and coffee? A. And tea and coffee; yes, sir.

The CHAIRMAN. Will you give us the coal, now; the difference in the coal. It will save us from doing it, perhaps.

Gov. BUTLER. There is some evidence, Mr. Chairman, that some of that coal went somewhere else.

The WITNESS. I haven't any record of it, myself.

Mr. BROWN. (To Gov. BUTLER.) How much was it; about five tons? That you claim was paid by a check that was not the superintendent's check?

Gov. BUTLER. We caught you stealing two carloads; I suppose that was only a percentage.

Mr. BROWN. That is a modest way of putting it.

Gov. BUTLER. [To the witness.] Have you got that anywhere, sir?

The WITNESS. Yes, sir; the value of the coal in '62 was \$2,685.37, and in '82, \$10,960.

Q. So that the coal, the tea and coffee, and the labor would make upwards of, — pretty near \$25,000? A. \$22,000.

Q. In the simple matter of fuel, tea and coffee, and extra attendants? A. Yes, sir.

Re-cross examination by Gov. Butler.

Q. How do you account for the difference between 49,000 and 99,000, the rest of it? A. There are a large number of bills for repairs of steam heaters, gas machine, painting —

Q. What; in the same year; how much? A. I have not gone into the figures.

Q. I am talking about these two years.

Mr. BROWN. I mean '62 and '82.

Gov. BUTLER. '62 and '82; why, we have got all the steam heaters in here [an almshouse report], and all the steam heaters in here [another almshouse report], my man; now, find a steam heater. [Laughter.]

The CHAIRMAN. I don't see anything to laugh at in that remark.

Q. I ask you how you account for that difference between 49,000, — you manage 22,000; we will see about that. — 49,000 in '62 and 99,000 in '82, and you say steam heaters and repairs; where are they? A. I don't say I explain it; I say I have seen these expenditures.

Q. Pardon me; why do you tell me about what you have seen if you are not answering my question? How do you account, now, for the difference, — we have got 22,000, out of the difference between 49,000 and 99,000; how do you account for the balance? You account for twenty-two. A. I have no way of accounting for it. I could account for it, I presume, by specifying all the bills.

Q. No, sir; you have accounted for it, sir, in showing these bills, I think. Now, will you tell me how much tea, — you say there were 5,307 pounds; am I right? A. 5,307 pounds; yes, sir.

Q. Divide that by 365, and let us see how much tea they got. A. $14\frac{2}{3}$.

Q. $14\frac{2}{3}$ pounds a day; and they didn't use but seven a day for five years; how do you manage that? A. That I can't tell you, sir.

Q. If they haven't used but seven pounds a day, the other seven has been stolen by somebody? Because, it is all there on the books. Now, take the coffee? A. 7,333 pounds.

Q. Very well. Divide that by 365? A. Twenty and one-tenth pounds.

Q. This is the actual consumption of coffee, as the books show. But the cook says they use 16 pounds.

Mr. BROWN. The difference between you and the witness, Governor, is this: the witness has testified to what he used in his department, but he didn't furnish tea or coffee to the hospital, the lying-in wards, or anything of that kind.

Gov. BUTLER. Hold on a minute. There were 16 pounds for 900 inmates, and 4 pounds for 50 attendants per day.

Mr. BROWN. That makes 20 pounds.

Gov. BUTLER. I should think so.

The WITNESS. I presume it is fair to allow for the shrinkage of coffee in roasting. I take the raw coffee weights, you know.

Q. (By Gov. BUTLER.) You take the raw coffee weights?
A. Yes, sir.

Q. How do you know you take raw coffee weight? A. Because the grocers are in the habit of selling coffee raw, unless it is specified roasted.

Q. Now, that is a little explanation you volunteer. Now, let me tell you that the testimony is that they bought all burnt coffee. Now, why do you give that little explanation, which is not true? A. I find no evidence, but I presume that an institution of that kind would buy their coffee raw. Furthermore, I think I can show where they charge three cents for roasting it. They sold the raw coffee, and then they charged three cents per pound for roasting it.

Q. Three cents a pound for roasting coffee? A. Yes, sir; that is what they charged.

Q. Was that a large amount? A. Yes, sir; in large amounts; six or seven hundred pounds—on one of Barron, Dodge & Co.'s bills. You would find the cost where they charged for it in the first place and then the charge for roasting. I was brought up in the grocery business originally.

Q. Three cents a pound for roasting 5,700 pounds of coffee?
A. I don't say I found it charged for the whole 5,700 pounds, but for a large portion I found the charge for roasting additional.

Q. For roasting? A. Yes, sir; that charge for roasting I added to the charge of the coffee.

Q. But I am talking about the coffee that was roasted, all weighed out. How much do you think it shrinks by roasting?
A. I think it is twenty per cent.

Q. By roasting? Well, then, the advantage they got was to have it roasted, and pay three cents. How much did they pay for coffee? A. Fourteen or fifteen cents.

Q. Without the roasting? A. Yes, sir.

Q. Pardon me; you have put in this coffee at fourteen or fifteen cents? A. Whatever the price is.

Q. Let us see? A. The coffee is fourteen and a half cents.

Q. Does this include the roasting? A. Yes, sir; it includes the cost of roasting.

Q. I asked the question, what was the cost of the coffee before it was roasted? A. Why $10\frac{1}{2}$ or 11 cents, — some portion of it. There was some Java coffee; I presume bought for the officers of the institution — presumably.

Q. But now I am talking about the Rio coffee? A. The Rio — about 11 cents a pound, I think.

Q. A good article of Rio coffee can be got for 11 cents a pound? A. I don't know; it is so long since I have had anything to do with the grocery business.

Mr. BROWN. Did you say 11 cents?

Gov. BUTLER. 11 cents.

The WITNESS. I was only an agent, myself.

Gov. BUTLER. I don't think I shall have to trouble you any more, sir.

The WITNESS. Then, as I understand it, you wish the percentages?

Gov. BUTLER. Yes, sir; just what I told you.

The WITNESS. And then you want the values?

Gov. BUTLER. Yes, sir.

TESTIMONY OF MOSES SARGENT (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Moses Sargent.

Q. You reside in Boston? A. I do.

Q. How long have you resided in Boston, or in Massachusetts? A. In Massachusetts I have resided all the days of my life.

Q. Were you present here when Mr. Frank Haberlin testified as a witness? A. I was.

Q. Did you hear him testify that he had a discharge from the 156th New York Regiment? A. I did.

Q. Have you had any conversation lately with him in regard to his relation with the 156th New York Regiment? A. Yes, sir; last Saturday.

Q. Did you have any conversation with him in regard to his discharge from that regiment? A. I did.

Q. State what he said about it. A. He said he enlisted on Cedar Street; a man by the name of Mike O'Brien enlisted him.

Gov. BUTLER. I ask a ruling simply to save time. I suppose you can't contradict a man about a wholly collateral ques-

tion, can you? For instance, you could not ask a man what he had for breakfast, and then contradict him by showing that he had something else.

The CHAIRMAN. No; I suppose that is the rule.

Gov. BUTLER. Now, his discharge was a wholly collateral matter.

Mr. BROWN. Mr. Chairman, His Excellency produced a meritorious soldier here, he said, and he asked him if he was a soldier, and to what regiment he belonged, and he said he belonged to the 156th New York. And he went on to tell in what military exploits he was engaged. He was with Banks on Roanoke Island; all of which never took place in the world.

Gov. BUTLER. I didn't ask him.

Mr. BROWN. And His Excellency undertook to correct him, and asked him if he meant Red River; and he said no, it was Roanoke Island. Now, I am going to show that that man was a deserter; and, to that end, with the facts in our possession, Mr. Sargent goes to him and has a conversation with him, and he confessed that he was a deserter, and never was anything else. He enlisted on the 12th of November, 1862, and deserted on the 3d day of December that year; and never left New York with his regiment in the world. He was a bounty jumper; that was his business.

Gov. BUTLER. Well, this statement don't make it any more competent. It is a wholly collateral matter. I asked him—I don't remember, but I am content to take it that I asked him who enlisted him. I certainly didn't ask him about being with Banks on Roanoke Island, or about any of his exploits.

Mr. BROWN. I did. I wanted to know where he served.

Gov. BUTLER. What you stated was that I put it in.

Mr. BROWN. And then you asked him if he meant Red River, and he said no.

Gov. BUTLER. Pardon me; I asked him in reply to you. I didn't ask him about his exploits. I asked him as I would anybody, where were you. But you can't contradict on these collaterals, whoever asked them. Now, does it make anything to this investigation, whether this man is contradicted on a mere collateral point? If you send this private detective up to frighten a man, when he is up in Tewksbury for aught I know, I cannot tell what he will say, and don't care what he will say, much. But you cannot contradict him on these collaterals; and nobody knows that any better than the chairman of the com-

mittee. It is mere collateral. Because, otherwise, you could ask him just as well: what did you have for breakfast? I had fish and potatoes. Then they would show that he had roast beef. We cannot go into this sort of investigation; life is not long enough for that. If you are going to contradict him by his say so, it would not be proper.

MR. BROWN. His Excellency put this witness on here as a man who had been to Tewksbury. For the purpose of exciting your sympathy, he brought out the fact that this man had been a meritorious soldier. He had served in the 156th New York, and he had his discharge; and he gave the committee the impression, by the manner in which he handled himself and his pocket, that he had it in his pocket.

THE CHAIRMAN. He said he had it. I called for it afterwards, and then he said he didn't have it.

GOV. BUTLER. Two detectives.

MR. BROWN. I asked him for the purpose of getting a little information where he served. And on the 714th page the committee will find the following: "Now, you say you were in the 186th New York?" A. "The 156th."

GOV. BUTLER. I supposed I had the reply, but I never do have, somehow. I ask the chairman to enforce the rule, if we are to have fair play here at all. The rule is that when I make an objection then I am to be heard, then Mr. Brown is to be heard, and then I am to close.

THE CHAIRMAN. Yes, sir.

GOV. BUTLER. Very well: that has been done. I want him to stop.

MR. BROWN. I don't propose to make any argument.

GOV. BUTLER. He rarely does make an argument.

THE CHAIRMAN. You claim that the three points have been made in this case?

GOV. BUTLER. I claim that rule always, sir.

THE CHAIRMAN. You claim that now he has spoken and you have closed.

GOV. BUTLER. I have the close when I make an objection; and I have explained to the chairman the only case where I have not.

THE CHAIRMAN. Now, then, Mr. Brown, you propose to show by this witness that this man has admitted that he has been a deserter?

MR. BROWN. Yes, sir.

The CHAIRMAN. I think the rule is as the governor has stated it as to collateral matter. Whether he was a man of truth and veracity is a question.

Mr. BROWN. Of course it is for the committee to decide whether this is a collateral issue. If it is a collateral issue there is no doubt but what you can go into collateral issues in a matter of this kind. Where His Excellency produces a man, the principal value of the man as a witness being the fact that he has been a soldier, a disabled soldier, and he goes up here and gets maltreated—that is the principal thing there was about the man that had any interest —

Gov. BUTLER. I never did put it that they had a right to treat him any worse because he was a soldier or that they should treat him any better because he was a soldier.

The CHAIRMAN. If you contradict him as to his maltreatment that would be a material matter.

Mr. BROWN. Well, does the chairman say that for the purpose of affecting this man's credibility — that a man can come here and tell this committee that he is an honorably discharged soldier, and has got his discharge in his pocket, when he is a bounty-jumper and deserter, and that we cannot show that to this committee.

Gov. BUTLER. I suppose they will have to say so; that is the law.

Mr. BROWN. I don't think it is.

The CHAIRMAN. That is my impression of the law. I will submit it to the committee.

Mr. BROWN. I will agree that the proposition of law is correctly stated; but it is within the discretion of the committee to decide whether it is collateral matter. This is not collateral, because it is a matter that affects his credibility. Suppose Mr. Grothusen or anybody should come in here —

Gov. BUTLER. Here it goes.

Mr. BROWN. — And say that he was an expert accountant when he never had had anything to do with accounts, it would be perfectly proper for me to show that he was not an accountant.

Gov. BUTLER. If the chairman would hold to the rule I would be much obliged to him, to prevent this collateral discussion. This is it: Where it is not collateral, where a man says he is an accountant, and where his value is as an accountant, that goes to the vitality of the thing; because he must qualify

himself as a witness. It does not make a man any more competent as a witness because he is a soldier, or any less competent witness because he is a deserter. It is entirely one side. Collateral means one side of the inquiry. And you have no more discretion about what is collateral than you have about any other part of the law. For instance, the way to test it is — you could not convict him of perjury upon that, because it don't pertain to the issue. That is the meaning of collateral. He must have sworn falsely in order to be contradicted upon something which pertains to the issue; or, in the language of an indictment for perjury, “it became important to know, pertaining to the issue there pending, whether” such a thing was so and so or not. And there is an end. Besides, I doubt very much whether that rule would be applied where they could bring extraneous proof, provided they could bring the record of his desertion. That would be wholly collateral. But his statement here is very much farther removed, because he may have had inducement to make the statement.

MR. BROWN. That you have a right to enquire about.

GOV. BUTLER. From this detective. I should sooner think of squeezing honey out of a pig's tail; just as much. Not I! Not I! It is a question of telling what has been done. That is the reason. So that that brings it one remove farther that he says that he is now a deserter. You would not know that he is but only that he says something different upon a collateral subject from what he said before. It don't prove that he is deserter, one-way or the other.

MR. GILMORE. Mr. Chairman, we haven't confined ourselves to the exact rules of evidence in law cases in this hearing, and if Mr. Brown proposes to prove by this witness otherwise than by what the witness himself says, that he was a deserter, it seems to me that it is competent; but if he proves it by what the witness says to him, I should not consider that competent.

MR. BROWN. Mr. Chairman, I have the record from the office of the Adjutant General at Albany, showing that this man was a deserter.

GOV. BUTLER. When that is offered —

MR. BROWN. I have not yet offered that, because it was sent to me in a form which I did not suppose His Excellency would admit; and I have sent to have it corrected. In the meantime, Mr. Sargent had a conversation with this man, and I offered to

show what this man told Mr. Sargent in regard to his own history.

The CHAIRMAN. Will the committee admit the testimony?

[The committee refused to admit the testimony.]

Q. (By Mr. BROWN.) Mr. Sargent, did you go to New York and visit the place where Eva Bowen said she lived when she was a witness here? A. I did.

Q. What sort of a house was it? A. It was a lodging-house kept by a woman who then went by the name of Baker.

Q. What is that? A. The woman's name was Baker that kept the house — as she testified here.

Gov. BUTLER. Yes.

The WITNESS. I ascertained through Capt. Williams —

Gov. BUTLER. I object to what Capt. Williams said, or anything else of that kind.

Q. (By Mr. BROWN.) You found out what was the reputation of that house —

Gov. BUTLER. I object.

Mr. BROWN. — and of the woman that kept it.

Gov. BUTLER. I object. It would be a grievous wrong. In the first place, — it has to be found out in the first place, — did Eva Bowen know the character of the house. The reputation don't prove the character. The character of a man is what he is; the reputation is what some people say, more or less broadly, he is. So this house. This detective went to New York. And he makes inquiry of those that he chooses, and he comes here, and now it is endeavored to put in what he says — what he found out. Here again, if the committee please, we come again to an entirely collateral issue. It is not permitted by law to prove that a woman is a loose woman or that a man is a loose man to affect their character for truth and veracity. If there is anything better settled in the world than that, I don't know what it is. Very well. Then, whether that is their character can be inquired of if the party chooses, on cross-examination, to inquire about it. But it being a wholly collateral matter, they are bound to take what comes out of the witness's mouth, and they cannot prove to the contrary. You cannot ask a man: are you divorced from your wife, or is the woman you live with your wife? and if he says she is, and if he is then put upon the stand, you cannot then, in order to touch his character for truth and veracity, undertake to prove that the woman is not his wife. Is the house you live

in a reputable house in the way of chastity? That is a one-sided inquiry. I should have long since stopped the inquiry which has been so pushed here about Eva Bowen's having the syphilis, except that I felt sure that my evidence -- except that I hope to convince everybody before we get through here that my evidence upon that is overwhelming. I can meet this issue. But I cannot meet the issue of what this detective will swear about the reputation of somebody I cannot get at in New York and cannot get here. It is entirely collateral, and if it were not collateral this is not the way to prove it.

Mr. BROWN. His Excellency produced Eva Bowen as a witness for the purpose of showing some five or six different things, all of them immediately connected with the mismanagement of this institution and with the bad faith of the people who have the charge of it. One of the things was this: that Miss Nellie Marsh and Mr. Bowen, the father of this woman, had conspired together to murder -- or, rather, as she put it -- to remove her. They did succeed, under her statement, in killing her baby. Another charge was that she was registered on the register of the institution as having had syphilis, when it was absolutely false. Now, on the cross-examination, for the purpose of showing the committee what this woman was, and how utterly absurd was the proposition which His Excellency undertook to establish here by this creature -- who came here, I believe, for nothing else except to advertise her wares -- for the purpose of showing how utterly absurd that was I began to ask her her history. She gave some part of it as it took place here in Boston, and then she testified that in 1877 she went to New York: and she told this committee that she had been -- or rather upon the interposition of His Excellency -- she gave this committee to understand that she was a reformed woman. And His Excellency would not allow me to ask her whether she went by the same name in New York as she gave here upon the witness stand. Or, rather, that was asked, and when she said she didn't go by that name, then His Excellency would not allow us to find out what was her real name in New York, or what name she went by in New York. She was asked where she lived, and she told the committee that she was living at a place where she had lived two weeks. Now, sir, she had lived in that house, or about it, in the neighborhood of seven months, -- a notorious house of ill-fame. The gentleman who sits upon the committee from Wellesley, -- every member of the committee

will remember the remark he made, — he thought it was not proper or fair for me to press the question as to what her name was that she went by in New York, because he said if she was trying to lead a pure and chaste life there under another name, the fact that she should be connected with these matters in Boston would hurt her. She came into this room and she sailed here before this committee under false colors, pretending to be a decent woman when she is nothing but a notorious strumpet. The place where she lived in New York, known to the police in New York, and the woman who keeps the house, if I remember correctly, is registered as an infamous woman on the records of Precinct 29, New York, and has been registered there for years. Now, it is perfectly proper, under those circumstances, for me to show that what she did and said here before this committee is absolutely false. Why, you had pity on her. You would not require her to make public the name under which she went in New York because you had pity on her; nothing else. Now, Mr. Chairman and gentlemen, I want to unmask this creature who comes here; I want to show what she is, what is her reputation and what is the reputation of the house where she has lived for seven months. Her reputation is that of a strumpet, and the place where she lived enjoys the reputation of being a house of ill-fame. Now, is it not proper, is it not lawful, is it not legal for me to prove all that, when she comes here on the witness stand under the circumstances in which she does? Is it not material? Is it not for your information at all? Is it not of any value for you to know whether that woman came here and lied, and tried to sail before you here as a pure woman when she is nothing but a strumpet? Is it of no value for you to know that? I am reminded that His Excellency has many times used the expression that the object of this investigation was to get at the truth. Now, if the committee don't care, if it don't make any difference to them in making up their judgment about this case, whether this witness is what I claim I can show she is now in New York, if that does not make any difference, if they don't care to know anything about that, certainly there is no object for me to offer the testimony. But, Mr. Chairman, I have always understood, — and I recollect a number of cases at *nisi prius* where I have seen it done, and I think I remember one very distinctly where His Excellency did it, —

Gov. BUTLER. What case was that?

Mr. BROWN. That a man who comes upon the witness stand

and tells you who he is and what his business is — because it is from those things that you undertake to show who the man is — it is perfectly proper for the other side to come and show that he is not any such man and is not engaged in any such business. Why, suppose that a man should say that he was shoeing a horse on a particular day when a certain thing took place, — that particular thing being the subject of inquiry, — shoeing a horse in his blacksmith shop; wouldn't it be material for me to show that he was not a blacksmith, that he didn't have any blacksmith shop, and that he was not there on that day. Precisely the same thing. I don't think there is very much left of Eva Bowen, but I thought it was no more than fair to the committee that I should offer to show that Eva Bowen, since she has been in New York, is nothing and has been known as nothing but a strumpet, and the place where she lives in such pristine purity as His Excellency would have us understand, is nothing but a house of ill-fame.

Gov. BUTLER. May it please the committee, Eva Bowen came here to testify to what took place when she was 16 years old, in the years 1875 and 1876. In everything that she has said concerning her history, she has been corroborated. She told the history of her fall, a girl of fifteen; she told of the relations between her father and herself; she told where she was carried to and where she went from, and there has been no contradiction upon a single point, in spite of the attempt, for a reason which I can explain when my time comes, to show that she had the syphilis. If a girl of fifteen gets that, it ought not to interfere with her truth and veracity. And right feeling men and fathers, whose daughters' turn it may be one of these days, will so look upon it. Now, it is said that you must admit this testimony, because when a man swears that he was shoeing a horse in his shop and saw something take place just outside of the shop, it would be competent to show that he was not shoeing a horse there at that time and could not have seen it. If the premises of that proposition had the small-pox, the conclusion would not catch it; it is too far off. Eva Bowen is telling of what she saw or heard in '76, and, therefore, it is not collateral to prove what she is doing in '83. Another thing, you are told that she came here to advertise her wares. I don't envy the man who could say that, especially in view of the fact that she concealed her name religiously, so that nobody would ever know of the advertisement applying to her. Think of it!

Think of it! Think of it! A man standing up here with the responsibility of his place, and undertaking to so attack this woman! If she had come here to advertise her wares, she would have advertised her name.

MR. BROWN. She advertised her place and the name Eva; what does anybody want more than that?

GOV. BUTLER. She refused utterly, and I had supposed there was manhood enough in my profession to give it to this gentleman, to find out where she was, in confidence, under the direction of the committee.

MR. BROWN. Yes; and I have never broken it.

GOV. BUTLER. No; the way you have kept it I have heard in your last speech. You claimed openly that I gave you enough, and you have used that to advertise her; if that claim is true, then the confidence has been broken; if it is not true, then the accusation is a false one that she came here to advertise her wares. She didn't do it. She came here unwillingly, in one sense. She told her story, and that story has not been contradicted. She is false nowhere. She gives the true name, where she lived at the time she gave it. If she had been a false woman, she would not have given the true place, if it was such a place as the rough side of a lawyer's tongue describes it. The woman sat here, — she came here to advertise her wares? She concealed the name, and concealed the place; and you are to be moved by such argument as this! Now, then, was she true? She told you that Mrs. Rowell, the nurse, saw that letter, read it, and gave it to her; they can prove in a material point she is false, if they will bring Mrs. Rowell here, — no need of going to collateral matters. That they take great care not to do. They send this detective to New York to hunt up somebody that will say something. Well, I have no doubt he has got men that will say anything there. There is a brotherhood of these people. Now, the question is, will you, as men, as committeemen, as legislators, as fathers, sit here and see this poor girl attacked in this way, when the law says, and no case can be quoted to the contrary that it does not, that the fact that a woman does or does not lead a loose life, is not a fact to be put in to her credibility? I will stop instantly when anybody will suggest that a decent court or a decent man ever set up that proposition. Never! And that, too, years and years after the fact, years and years after the fact, let me say to you, to be proved. Could she be convicted of perjury upon it?

Clearly not. Then it is collateral. You may or may not want to know what her life is, but the law says there is but one way of dealing with the credibility of witnesses, and that is a great rule of public policy to prevent just such things as this, or attempts of this kind, and to shorten the trial in this way.

I have spoken, gentlemen of the committee, with some feeling, perhaps too much, upon this matter, but I brought this poor girl here. I believed her story then and I believe it now, and shall continue to believe it; and I am bound in honor to defend her as well as I can by all the rules of law against all the assaults of her enemies. And, therefore, I am here appealing to you in the name of justice, and the name of law, nay, in the name of humanity, in the name of manliness, to prevent this attack made upon this woman in this room.

The CHAIRMAN. The question for the committee is whether this witness shall be allowed to state what he found to be the reputation of the house in New York where Eva Bowen now lives. Is the committee ready for the question?

[The question was put.]

The CHAIRMAN. One in the affirmative. I vote with the rest in the negative, and the question is rejected.

Gov. BUTLER. If the chairman pleases, I must be at commencement to-morrow at Amherst. I am, ex officio, as you know, a member of the board of overseers of that college.

The CHAIRMAN. Be here Thursday, Governor? Thursday morning?

Gov. BUTLER. Thursday I am to be in Exeter and Friday in camp. I should like to take a good solid day like Saturday and go through; try to get some good solid time and I think we can make much progress.

Mr. BROWN. I said to the chairman of the committee the other day that I would try to finish this week. At that time I did not know we were to be cut off one day last week.

Gov. BUTLER. I don't think you are to blame about that.

Mr. BROWN. I want simply to say that I have made all my arrangements to go on through the week, and, perhaps, at some expense to the Commonwealth.

The CHAIRMAN. My impression is that it is almost too late to meet Saturdays. Can you give us a solid week next week, Governor?

Gov. BUTLER. Saturday, and the week following, so far as I

know, up to the twenty-seventh. It is only public duties, nothing else, prevents my being here.

Mr. WOLCOTT. Mr. Chairman, to test the sense of the committee, I move we adjourn till Saturday morning at half-past nine.

The motion prevailed, and the chairman declared the hearing adjourned till Saturday at half-past nine.

FIFTIETH HEARING.

SATURDAY, June 23.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

TESTIMONY OF MOSES SARGENT (*continued*).*Direct examination by Mr. Brown, resumed.*

Q. Do you know Mr. Palmer who testified here as a witness? A. I do. I know him only as I saw him here. I am not acquainted with him personally.

Q. You are not acquainted with him personally. Do you know what is his reputation for truth and veracity? A. I know what it is in Exeter.

Q. What is it in Exeter?

Gov. BUTLER. Stop a moment; when did he learn it? Suppose he has gone down there within a week; isn't it rather *post litem motam*?

Q. Did you ever know him till you saw him here? A. No, sir.

Q. Did you know there was such a man living until you saw him here? A. I did not.

Q. Did you ever hear of him in any way until you saw him here? Has any knowledge of his character by you been obtained from any source, except within three weeks? A. Well, it was directly after he testified. I went for the express purpose of finding it out.

Gov. BUTLER. You went for the express purpose of finding something, and you found it? I think that cannot be admitted.

Q. (By Mr. BROWN.) Did you go to Exeter at the time when His Excellency appointed Mr. Carrigan to go and take depositions? A. I did.

Q. Did you hear the testimony of any of His Excellency's witnesses? A. The testimony of one of Mr. Carrigan's witnesses.

Q. Did he testify as to his reputation for truth and veracity while under oath?

Gov. BUTLER. Stop a moment. That is to be proved by the deposition itself, sir. You cannot prove what another man testifies to.

Mr. BROWN. Well, the question is here: what is this man's reputation for truth and veracity?

Gov. BUTLER. Certainly.

The CHAIRMAN. Among the people where he has lived.

Mr. BROWN. Where he has lived.

Gov. BUTLER. Yes.

Mr. BROWN. Now, I don't care if the man was an absolute stranger up to the day when he went to Exeter to inquire. If he went there to that town in a fair and honorable way, and inquired as to his reputation, and found it was bad, he has a perfect right to testify, especially when he attended the examination at which His Excellency had called witnesses; and if he heard the witnesses testify as to this man's reputation for truth and veracity, I submit there could be no clearer or more competent testimony as to what a man's reputation is than that. Of course, under the objection which His Excellency raised, and under the rule which he has laid down, and which I am very much disposed to respect, it would not be proper for me to ask this man how he found out what his reputation was. But, when it comes to that, if either party is to be allowed, it will be found to be substantially this: that I sent Mr. Sargent to Exeter to look this man up, and that almost every man he came to — depot-master, expressman, postmaster, and all through the town — said that this man was notoriously a man who would not tell the truth; and not only that, but that he was a thief. And then, to cap the climax, after all that, he listened to one of His Excellency's witnesses, who testified, on cross-examination, that this man was notoriously a man without character, or reputation for truth and veracity, and was a thief, — one of His Excellency's own witnesses in Exeter. Now, I submit, if that is not enough to show knowledge on the part of this witness as to what a man's reputation for truth and veracity is, I cannot conceive of any way it can be shown to the committee. Is it necessary that this man should have lived in Exeter for any length of time — months, years, or any length of time — to know what Mr. Palmer's reputation was? If Mr. Palmer has any reputation in Exeter, it is very singular that it cannot be ascertained, and

fairly ascertained by going to Exeter and inquiring. And then, it is said, that the reputation is to be proved by the deposition of this witness referred to. Well, I don't know that that deposition will ever see the light. I am rather inclined to think it won't. I am rather inclined to think that His Excellency, when he comes to read that deposition, and to see what his own witness testified to as to another of his witnesses, won't care to have it printed. I don't know that he will; he may. I cannot oblige him to have it printed. I cannot oblige him to produce it. And not only that, it is not necessary to produce it. A man's reputation is what people say of him in the place where he lives. And the only question is as to the witness's information: Did he get it truly? Not how old it is.

The CHAIRMAN. As to the deposition, if I remember right in issuing the notice, I ordered them sent to the committee, sealed.

Mr. BROWN. Very true. But then I suppose—

Gov. BUTLER. It was necessary to have this little fling at me.

Mr. BROWN. Not at all; not at all; not at all. I don't think you would ever have taken it if you had known what the witness was going to testify.

Gov. BUTLER. I don't know what I should have done if something else had happened that didn't happen. Why talk about that?

Mr. BROWN. But I do know that His Excellency is not under obligation to submit it to this committee unless he chooses.

The CHAIRMAN. It seems to me that a man's reputation for truth and veracity should be testified to by some one who lives in the community; that is my opinion.

Gov. BUTLER. I have never heard it otherwise. The question is: do you know those that did know him, that have lived with him; because you can send out a detective and he will be keen, and if he goes to the right people he can swear down anybody.

The CHAIRMAN. The committee will settle it.

Gov. BUTLER. If there is any doubt about it I should like to be heard; but I don't take the time on it now.

The CHAIRMAN. Some of the members of the committee have just come in and I will state the question. This man is asked if he knows what the reputation of Mr. Palmer is in Exeter—

the witness who testified three or four weeks ago. It was drawn out on examination that he knows nothing about it except what he heard in Exeter, going up there during the taking of depositions.

Mr. BROWN. I beg pardon; he said he went there immediately after Mr. Palmer testified.

Gov. BUTLER. Yes.

Q. (By Mr. BROWN.) As I understand, you have been there several times, have you, Mr. Sargent? A. I have. I went at that time while he was on the witness stand and found out something.

Q. So you found out something the very day he was on the witness stand. A. Yes, sir.

Gov. BUTLER. That don't alter it.

The CHAIRMAN. The question is, whether he shall be allowed to testify to Mr. Palmer's reputation for truth and veracity.

Mr. PUTNEY. I presume that Mr. Brown can get witnesses from Exeter to testify in regard to this party's character; either in person or by deposition.

Mr. BROWN. I can get them to testify and I shall have them here to testify. I have been trying in every possible way to shorten this hearing. At the time when His Excellency's witness testified on cross-examination that Mr. Palmer's reputation for truth and veracity was bad he was testifying under oath in the depot, in a little room with nobody present except the magistrate, the stenographer, Mr. Carrigan who represented His Excellency, Mr. Sargent and myself. And that was the reason why I called Mr. Sargent's attention to it.

Mr. PUTNEY. I don't think, Mr. Chairman, that sending a detective up there for the very purpose which he did go, for the purpose which he testified he went, is competent evidence before this committee, from the fact that he might pick up certain enemies of this party up there.

Gov. BUTLER. As he did.

Mr. PUTNEY. It seems to me if evidence is to be given it should be that of parties who have known him and done business with him for years.

Mr. BROWN. That is precisely what I am going to do. There is not a man that he consulted who has not.

Mr. PUTNEY. It seems to me it is second-hand knowledge. As one member of the committee I would like to see the parties themselves.

[The question was taken and the committee voted to reject the testimony.]

Cross-examination by Gov. Butler.

Q. Mr. Sargent, you have been employed by whom in this case as detective? A. Mr. Brown.

Q. And all the while? A. Yes, sir.

Q. And you have done everything that you could, I suppose, to find things that would support the defence? A. Yes, sir.

Gov. BUTLER. That is all, sir.

The CHAIRMAN. Before proceeding any further I should like to inquire about the bonds that have been offered here. I don't find them among the papers.

Gov. BUTLER. I had them once, that is certain, and I brought them in and used them, and then I suppose that I handed them over to Mr. Brown or somebody here.

Mr. BROWN. I don't think I have them, but if I have them—

Gov. BUTLER. Mr. Innis, who has taken charge of my papers, says that he handed them to Mr. Brown the last he saw of them.

The CHAIRMAN. I supposed it was understood they were in the case.

Mr. BROWN. You are right; I have them.

The CHAIRMAN. If you will hand them to the stenographer he may enter them upon the record.

Gov. BUTLER. I wish they might be put on now.

The CHAIRMAN. They may be considered in.

Mr. BROWN. I suppose there is no necessity for reading them.

Gov. BUTLER. No necessity for reading them all. I suppose they are all alike. Give the dates.

Mr. BROWN. Then I will just identify them. I will offer the bond of Oliver W. Holmes and Henry J. Bigelow to the superintendent and inspectors of the state almshouse, which is dated the fourth day of September, 1858.

Gov. BUTLER. Give the penal sum, will you, next time.

Mr. BROWN. I will. Excuse me for not doing so.

Gov. BUTLER. To the inspectors, the superintendent, or their successors in the office.

Mr. BROWN. The sum of \$100. Then I will offer the bond of Oliver Wendell Holmes and Henry J. Bigelow of Boston, in

the penal sum of \$500, dated the fourth day of June, 1864; the bond of I. J. Wetherbee and Robert L. Robbins to the superintendent and inspectors of the Tewksbury almshouse, in the sum of \$500, dated the eighth day of January, 1875.

Gov. BUTLER. I think the whole—I think the condition should be in the record.

Mr. BROWN. I understand they are to be printed entirely.

The CHAIRMAN. Yes, sir.

Mr. BROWN. Also the bond of Walter Wesselhoeft and Alonzo Boothby of Boston to the superintendent of the state almshouse in Tewksbury, in the sum of \$500, and dated the twentieth day of November, 1874; also the bond of T. Haven Deering and Arthur H. Wilson to the trustees and superintendent.

Gov. BUTLER. Of what?

Mr. BROWN. College of physicians and surgeons,—in the sum of \$500 and dated the fourteenth day December 1881.

[The bonds submitted were as follows:]

“Know all Men by these Presents that we, Oliver W. Holmes and Henry J. Bigelow, both of Boston, in the County of Suffolk and Commonwealth of Massachusetts, Physicians, are jointly and severally held and stand firmly bound unto the Inspectors and Superintendent of the State Alms House at Tewksbury, in the sum of one hundred dollars, to be paid to the said Inspectors and Superintendent or their successors in office; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.”

“Sealed with our seals and dated this twenty fourth day of September in the year of our Lord one thousand eight hundred and fifty-eight.”

“The condition of this obligation is such that whereas by an order of said Inspectors and Superintendent passed A. D. eighteen hundred and fifty-five, the bodies of certain persons will be delivered to said Holmes, being a regular licensed Physician of said Commonwealth for the purpose expressed in the Revised Statutes, Chapter XXII, and subsequent acts, the said bodies being within the description and circumstances mentioned in said Acts and required to be buried at the public expense; now therefore, if the said bodies of such persons so delivered and so received by the said Holmes and each and every such body shall be used only for the promotion of Anatomical Science, and shall be used for such purposes only in this Commonwealth, and so as in no event to outrage the public feeling; and after

having been so used the remains thereof shall be decently buried, then this obligation shall be void; but otherwise shall remain in full force.

Executed in presence of
R. M. HODGES, JR

O. W. HOLMES.
HENRY J. BIGELOW.

[SEAL]

[SEAL]

"Know all Men by the Presents that We, Oliver Wendell Holmes and Henry J. Bigelow of Boston, in the County of Suffolk, and Commonwealth of Massachusetts, Physicians, herein acting as Officers of and in behalf of the Medical Department of Harvard University in Boston, are held and firmly bound unto George P. Elliot, F. H. Nourse and Horace P. Wakefield, as they are Inspectors of the State Alms House in Tewksbury, in said Commonwealth, in the sum of Five hundred dollars, to the payment of which sum to said Inspectors their successors and assigns we do bind ourselves, and our and each of our Heirs Executors and Administrators firmly by these Presents."

"Sealed with our seals and dated the twenty-fourth day of June, 1864.

"The condition of this obligation is such that whereas said Holmes and Bigelow have requested of said Inspectors permission to take the bodies of such persons dying in said Almshouse as are required to be buried at the public expense to be by them used within the State of Massachusetts for the advancement of anatomical science, agreeably to the provisions of the 27th Chapter of the General Laws of said Commonwealth, now if said bodies shall be used, by said Holmes and Bigelow only for the promotion of anatomical science within the State of Massachusetts so as not to injure public feeling, and that after having been so used, the remains thereof shall decently buried, then this bond shall be void, otherwise in full force."

Executed in presence of
CHAS. J. HAYDEN.

O. W. HOLMES.
HENRY J. BIGELOW.

[SEAL]

[SEAL]

"Know all Men by these Presents that We, I. J. Wetherbee of Boston, and Robt. L. Robbins of Boston in the County of Suffolk and Commonwealth of Massachusetts, Physicians, herein acting as Officers of and in behalf of the Boston Dental College, are held and firmly bound unto Francis H. Nourse, Daniel E. Safford and George P. Elliot as they are Inspectors and unto Thomas J. Marsh, Superintendent of the State Almshouse in Tewksbury in said Commonwealth in the sum of Five hundred dollars, to the payment of which sum to said Inspectors and Superintendent their successors and assigns we do bind ourselves, and our and each of our Heirs, Executors and Administrators firmly by these Presents."

“ Sealed with our seals and dated the eighth day of January 1875.”

“ The condition of this obligation is such that whereas said Wetherbee & Robbins have requested of said Inspectors and Superintendent, permission to take the bodies of such persons dying in said Almshouse as are required to be buried at the public expense, to be by them used within the State of Massachusetts for the advancement of anatomical science, agreeably to the provisions of the 27th Chapter of the General Laws of said Commonwealth, now, if said bodies shall be used by said I. J. Wetherbee & R. L. Robbins only for the promotion of anatomical science within the State of Massachusetts so as not to injure the public feeling, and that after being so used, the remains thereof shall be decently buried, then this bond shall be void, otherwise in full force.

Executed in presence of
C. F. ROBBINS.

I. J. WETHERBEE. [SEAL]
ROBT. L. ROBBINS. [SEAL]

“ Know all Men by these Presents that we Walter Wessellhoeft of Cambridge the county of Middlesex and Alonzo Boothby of Boston in the county of Suffolk and Commonwealth of Massachusetts, Physicians, herein acting as officers of and in behalf of the Medical Department of Boston University, are held and firmly bound unto Thomas J. Marsh as he is Superintendent of the State Almshouse in Tewksbury in said Commonwealth in the sum of Five Hundred dollars to the payment of which sum to said Superintendent his successor and assigns we do bind ourselves, and our and each of our Heirs, Executors and Administrators firmly by these Presents.”

“ Sealed with our seals and dated the twentieth of November, 1874.”

“ The condition of this obligation is such that whereas said Wessellhoeft and Boothby have requested of said Superintendent permission to take the bodies of such persons dying in said almshouse as are required to be buried at the public expense to be by them used within the State of Massachusetts for the advancement of anatomical science, agreeably to the provisions of the 27th Chapter of the General laws of said Commonwealth, now if said bodies shall be used by said Wessellhoeft and Boothby only for the promotion of anatomical science within the State of Massachusetts so as not to injure public feeling, and that after having been so used, the remains thereof shall be decently buried, then this bond shall be void, otherwise in full force.”

Executed in presence of
GEORGE B. JONES.

W. WESSELHOEFT, M. D. [SEAL]
ALONZO BOOTHBY, M. D. [SEAL]

"Know all men by these presents that we, T. Haven Deering, of Braintree, in the county of Norfolk and Commonwealth of Massachusetts, physician and surgeon, and Professor of the principles and practice of surgery in and Dean of the Faculty of the College of Physicians and Surgeons, a corporation duly organized and existing under the laws of said Commonwealth, at building numbered 34 on Essex Street in Boston, in the county of Suffolk and Commonwealth aforesaid, as principal, and Arthur H. Wilson, of said Boston, physician and surgeon and Professor of general, descriptive and surgical anatomy in said college of Physicians and Surgeons, as Surety, are holden and stand firmly bound unto Francis H. Nourse, George P. Elliot, William R. Spaulding, Emily F. Pope, Ellen S. S. Hammond, Trustees of, and Thomas J. Marsh, Superintendent of the State Almshouse at Tewksbury, Massachusetts, in the sum of five hundred dollars, to the payment of which to the said Trustees and Superintendent or their successors as Trustees and Superintendent of the State Almshouse at Tewksbury, we hereby jointly and severally bind ourselves, our heirs, executors and administrators."

"The condition of this obligation is such that if each dead body received by us from the Superintendent of said State Almshouse in Tewksbury shall be used in the instruction of students of the Medical School of said Corporation only at its building or building occupied by it within said State for the advancement and promotion of anatomical science within said State, and so as in no event to outrage the public feeling, and after having been so used, the remains thereof shall be decently buried, then this obligation shall be void, otherwise it shall be and remain in full force and virtue. In Witness Whereof we, the said T. Haven Deering, and Arthur H. Wilson, hereunto set our hands and seals this fourteenth day of December A.D. 1881.

Signed and sealed in presence of

DARIUS WILSON.

T. H. DEERING.

[SEAL]

ARTHUR H. WILSON.

[SEAL]

TESTIMONY OF HANNAH O'CONNELL (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Hannah O'Connell.

Q. What is your business? A. I am an attendant in the insane asylum at Tewksbury.

Q. How long have you been there? A. I came there March 7, 1878.

Q. And have you been there continuously ever since? A. Yes, sir.

Q. Were you under Mr. Dudley at any time as an attendant

in the lunatic hospital? A. Yes, sir; he was the first gentleman I worked under when I came there.

Q. What did you do? A. I was their assistant.

Q. Dudley's assistant? A. And his wife's; yes, sir.

Q. That is, you assisted Mr. and Mrs. Dudley? A. Yes, sir.

Q. Did you know the Barron woman? A. Yes, sir.

Q. Now, when you went there in March, 1878, was the Barron woman confined in a cell? A. She was. Yes, sir.

Q. How long, continuously, after you went there was she still confined in a cell? A. She was there from the time I went there, the 7th of March, until July.

Q. Until July, still confined in a cell? A. Yes, sir.

Q. What was done with her then? A. Well, after the change was made—

Q. What change? A. Mr. and Mrs. Dudley left there and Mr. and Mrs. French took their places.

Q. So that the woman was still confined in the cell as long as Dudley and his wife were there? A. While I worked with them—yes, sir.

Q. Did you ever hear them say anything about how long prior to the 7th of March, when you came there, the Barron woman had been in the cell? A. I have no recollection that I ever did.

Q. No recollection that you ever did? A. No, sir.

Q. What was the condition and habits of the Barron woman? A. She was a filthy and violent woman.

Q. A filthy and violent woman? A. Yes, sir.

Q. And she was restrained and kept in a cell all the time, was she? A. Yes, sir.

Q. Was she ever taken out? A. She was taken out occasionally to be bathed, whenever it was necessary.

Q. Was she ever taken out for anything else? A. No, sir.

Q. Was her cell for any considerable period of time in a filthy condition? A. No, sir; I don't think it was.

Q. Never that you ever saw? A. No, sir.

Q. What sort of a cell was it? A. It is a cell in the upper part of the building; it has ventilation on both sides.

Q. Ventilation on both sides? A. Yes, sir.

Q. Was there over the door a large aperture which was covered with some sort of bar work? A. No, sir; those bars are on each side of the room.

Q. Now if there had been anything like filth in that room it would have been communicated — you could have smelled it in other parts if it was in any considerable quantity? A. Yes, sir.

Q. (By Gov. BUTLER.) This would be up stairs? A. Yes, sir.

Q. (By Mr. BROWN.) Now, on this same floor where this cell was were there any others kept? A. That was the only cell that was used on that floor.

Q. Was there any people who slept there? A. Yes, sir.

Q. Was it on the dormitory floor? A. It opens off of the dormitory.

Q. So that at night, the room, of which the cell constituted a part, would be occupied by a large number of the other inmates, would it? A. Yes, sir.

Q. How many? A. Generally thirty-two.

Q. Generally thirty-two inmates? A. Yes, sir.

Q. Now at any time while you were there did you have to do with the Barron woman? A. Yes, sir.

Q. Did you assist in washing or bathing her? A. I attended to it.

Q. Now was she poor in flesh? A. She was very emaciated, except in her face.

Q. Except in her face? A. Yes, sir; and that was quite fleshy.

Q. Was there any change in her condition particularly while you were there and had to do with her? A. I didn't notice anything specially.

Q. Now, do you mean to say that in July, 1878, you recollect that you left that building, or did Mrs. Dudley leave the institution? which was it? A. They left the institution and I still remained.

Q. So that up to the time when they left that institution the woman was still in the cell? A. She was, sir.

Cross-examination by Gov. Butler.

Q. You went there in 1878; what time? A. The seventh of March.

Q. What? A. The seventh of March.

Q. The seventh of March, 1878? A. Yes, sir.

Q. You went there as an attendant? A. Yes, sir.

Q. Where did you go from? A. From Tewksbury there.

Q. What? A. From the town of Tewksbury. I lived there in Tewksbury.

Q. You lived there in Tewksbury? A. Yes, sir.

Q. What had you been doing up to that time? A. I hadn't been doing anything.

Q. Been to school? A. I had been living at home a little while. I had got through school.

Q. When did you leave school? A. I left school about a year and a half before I went there.

Q. And had you done anything, except at home? A. Yes, sir; I had worked at Lowell six months, and at Lawrence six.

Q. In the mills? A. No, sir; house-work in Lowell, and dress-making in Lawrence.

Q. Then you went to Tewksbury? A. Yes, sir.

Q. In March, 1878? A. Yes, sir.

Q. At how much a year? A. I had four dollars a week for the first six months, and then I had twenty-one dollars.

Q. Four dollars for the first six months, and twenty-one afterwards? A. Yes, sir.

Q. About how old were you when you left school? A. I was about fourteen and a half.

Q. What? A. About fourteen and a half.

Q. And a year and a half after that you went to Tewksbury as an attendant? A. I was fifteen and a half.

Q. Well, which? A. I was seventeen when I went to Tewksbury.

Q. Which was it? A. Fifteen and a half.

Q. When you left school? A. Yes, sir.

Q. Sixteen and a half? Well, don't you know when I asked you how old you were when you left school, you said fourteen and a half? A. I didn't think about it then.

Q. I know you didn't think of it. You didn't think of it until I began to call your attention to how young you were when you came to be a nurse for insane women? Now, you think, you are a couple of years older? Yes, precisely. You were born in Tewksbury? A. No, sir; I was born in Lowell.

Q. Did your people live on the street where you were born some time? A. I could not say as to that. They didn't a great while; no, sir.

Q. Didn't a great while? A. No, sir.

Q. Do you know the street where you were born? A. I think it was Marion Street; I think it was.

Q. Yes; there is such a street there. Your name was Honora? A. My name?

Q. Yes? A. Hannah.

Q. Hannah? A. Yes, sir.

Q. Now, when was your attention first called—or, rather, where is this Barron woman now? Is she alive or dead? A. I could not say, sir. She was removed from Tewksbury in 1880.

Q. In 1880. You don't know where she has gone? A. No, sir.

Q. When was your attention first called to her condition, one way or the other, after you left her? A. After I left her?

Q. Yes. As to whether she was in one condition or another? When did you first think about it again? A. I didn't leave there at all.

Q. I know. You got apart some way? A. Well, she was removed from there.

Q. When did you first think about her condition, one way or the other, after you parted? A. I don't understand.

Q. You went apart sometime? A. Yes, sir; when she left.

Q. Now, then, when did you first think about her condition after that? A. I didn't think much about her until this investigation opened.

Q. Did you think anything of her, one way or the other? A. Not very often.

Q. Not much, I think. Now, were you there when Mr. Dudley came? A. No, sir.

Q. When Mr. and Mrs. Dudley came you were not there? A. No, sir.

Q. Do you know how long they had been there when you did come? A. No, sir; I am not sure.

Q. Now, what were your duties,—not to this woman, particularly, but to the others? A. Well, there were certain parts of the building I had to look after, and the women's clothing. We make all their clothing,—sewing and cutting.

Q. Then you had to do with the sewing and cutting in the sewing-room? A. It was divided between us. We both looked after it, Mrs. Dudley and I, when she was there.

Q. And your duties were principally confined to the sewing-room? A. No, sir; I had about half the building.

Q. Half the building to do what with? A. To look after; attend to the cleaning of it, and the sweeping.

Q. Cleaning, and what else? A. Sweeping and making the beds.

Q. What else? A. I had the dining-room.

Q. You have the dining-room? A. Yes, sir; to see that the things were put around.

Q. And the sewing-room? A. Yes, sir.

Q. Well, speak up loud. These gentlemen say they can't hear. A. Yes, sir; we looked after the sewing-room between us.

Q. You looked after the sewing-room between you,—you and Mrs. Dudley; and you had to look after the dining-room? A. Yes, sir.

Q. Any other duties? A. At that time—I mean when Mr. and Mrs. Dudley were there—that is all I recollect.

Q. All you had to do was to look after the dining-room and the sewing-room? A. And the upper dormitory.

Q. The upper dormitory. What did you do there—when Mrs. Dudley was there? A. I had to attend to the cleaning of it; see that the beds were made and that it was kept in a proper condition.

Q. Anything else up there? A. No, sir.

Q. Then you were sewing, looking after the dining-room and seeing to the beds in the upper dormitory? A. Yes, sir.

Q. Well, you call the upper dormitory this garret where the Barron woman was confined? A. Her cell leads off of it; yes, sir.

Q. Did you have the cleaning of her cell? A. I did not at that time, sir.

Q. Did you at any time?—Well, by “that time” you mean while Mr. and Mrs. Dudley were there? A. Yes, sir.

Q. Then that was none of your business. Well, who did it? A. That I don't know.

Q. You have forgotten that. You remember a little how the cell was, but you don't remember who took care of the cell? A. I know I didn't have orders to clean it.

Q. Well, it was filthy there, was it not? A. When I saw it I didn't call it filthy; no, sir.

Q. You didn't call it filthy; it was all clean? A. Yes, sir.

Q. Habited by a very filthy person, a very violent person,

but still it was very clean. That you testify, do you? A. Yes, sir.

Q. Was not this woman so filthy that she didn't mind at all where she answered the calls of nature? A. Yes, sir.

Q. As filthy as that. And yet the room was always clean? A. Whenever I saw it.

Q. How many times did you see it? A. I could not tell you.

Q. Tell me as nearly as you can? A. I didn't go up there very often; sometimes once a day, and perhaps not once in two or three days.

Q. *You mean into the dormitory? A. Into the cell.

Q. Did you go into the cell as often as once in two or three days? A. Sometimes I didn't; I had no business to be there.

Q. Now, who fed this woman? A. One of the girls — one of the patients.

Q. What? A. One of the patients there.

Q. An idiotic girl? A. Yes, sir.

Q. And you found her very emaciated? A. Yes, sir; all except her face.

Q. All excepting her face, very emaciated. Well, and now you think she remained in the cell all the time until Mr. and Mrs. Dudley went away? A. Yes, sir.

Q. How much longer? A. Only a very few days.

Q. A very few days? A. Yes, sir.

Q. About how long? A. Well, as near as I can recollect I don't think it was more than two or three days, if it was that long.

Q. Two or three days? A. Yes, sir.

Q. She was then taken out? A. Yes, sir.

Q. Taken down into the room where the rest were? A. No, sir; she was taken down into the basement.

Q. And put into a cell there? A. No, sir; she sat on a settee there.

Q. Taken into the basement. Who else was in the basement? A. Well, the patients can go up and down just as they have a mind to.

Q. They could go up and down as they had a mind to. That was a sort of sitting place. Was that the patients' sitting-room? A. No, sir; she was such a woman that she could not be kept up stairs; she was so filthy.

Q. She was so filthy that she was put down in the basement

where these patients ran up and down when they chose to? A. Yes, sir.

Q. She was taken down stairs because of this filthiness of hers? A. Why, no; I don't think that was the reason.

Q. Why? A. Because she was too confined. I don't know, but that is what I think. I think she was too confined up there, shut up in the room all the time.

Q. Yes; shut up in that room was too bad, so she was taken down? A. Yes, sir.

Q. After she was taken down she still continued her filthy habits? A. Yes, sir.

Q. Was she chained, tied or strapped to anything? A. Yes, sir; she was strapped to a settee.

Q. She was strapped to a settee, and kept all the time strapped to a settee? A. Not all the time; no, sir.

Q. Well, as a rule? Of course she would have to walk about, I suppose. She would have to get off of the settee sometime or else she would have excuse for her bad habits? A. She was a woman that would go to the stove and burn herself; and she would scratch and bite besides that. That is why she wore restraints.

Q. She would not scratch and bite anybody that didn't interfere with her, would she? A. Yes; she would.

Q. How many months was she kept strapped down or tied down to that settee? A. I could not tell you for certain.

Q. All the time untill she left? A. Well, she was not strapped down all day.

Q. No; but as a rule she was kept strapped there? A. Most part of the time. During the summer months she was taken out into the yard.

Q. Strapped there? A. Yes, sir.

Q. Then she only changed her place from being strapped down in the basement to being strapped down in the yard. Where was she taken to? A. I heard she was taken to Worcester; I could not say for certain.

Q. To Worcester. Now, after she was taken down and out into the yard in 1880, did she recover her flesh any? A. I didn't notice anything very much changed in her; no, sir.

Q. She changed something for the better, didn't she? A. She looked a little better. The fresh air agreed with her.

Q. The fresh air agreed with her. Well, but, if I understand you, in answer to my question you said there is plenty of

fresh air up in the attic, with two holes and bars across them, right out of the room on both sides? A. Well, it came from the building.

Q. All the air that came in came from the building, and all the air that came out went into the building, into this attic, didn't it? A. I presume so.

Q. There was no opening out into the air of heaven? A. Not out of the cell; no, sir.

Q. Was it under the roof of the attic? A. Yes, sir.

Q. And ran down to nothing on the back side? A. It is a square ceiling; perfectly level.

Q. Then it is a flat roof? A. The building is not exactly a flat roof; I don't know what you call it — French roof, I think.

Q. But it don't have any French or dormer windows into that cell? A. No, sir.

Q. Then all the way this woman got air in that cell was what came in out of this —? A. Hallway.

Q. And how large a room was that? A. What, the hallway?

Q. Yes. A. I could not give you the exact dimensions.

Q. It came out into this hallway? A. Into the hallway; yes, sir.

Q. Then this room didn't open into where anybody slept? A. Yes, sir; the door opened off of the dormitory, but the ventilator is on the side where the hallway comes up.

Q. What windows are there in this hallway? A. There are none.

Q. What is there? A. At one end of it there is a door opening into it.

Q. The door leads down stairs? A. Yes, sir.

Q. How long is this hallway? A. Well, five flights of stairs; there is a door between.

Q. But it comes to the roof at the top where the cell was? A. Yes, sir.

Q. Now, how long was this hall? A. I could not tell you exactly; it is not a very large hall.

Q. About how many feet wide? Four feet wide? Is it as wide as this? [Space between desks of the committee.]

A. A good deal wider than this. Probably eight or ten feet long.

Q. How wide is it? A. Perhaps six or seven feet.

Q. Then it is a little square place that leads in there and door opening into the hallway? A. It opens into another dormitory.

Q. Any other dormitory that has a cell like this one? A. Yes, sir; but there is a window in that cell.

Q. Anybody kept in that? A. No, sir.

Q. Was there anybody while you were there kept in that cell with a window? A. No, sir.

Q. What was kept there? A. They used it for a storage room.

Q. A storage room? A. Yes, sir.

Q. I think I can understand. They have a dormitory that had a window in it up there, and that was used for storage; and the dormitory that hadn't any window in it was used for a cell? A. Yes, sir.

Q. Well, when the door was shut that cell was dark? A. Well, it is not very dark; no sir.

Q. Well, but I suppose you could not see to read very fine print? A. Well, there is a skylight outside in the hallway that admits light.

Q. Into the cell? A. Into the hall.

Q. Now, then, how large were those openings between those bars; as big as that? [Indicating several inches.] A. No, sir; about so wide between each bar. [Indicating two or three inches.]

Q. How long were the bars? A. I should think two feet and a half long.

Q. And the bar about the same size as the hole? A. Yes, sir; I think so,—about the same.

Q. And there is a skylight that admits some light into this hall? A. Yes, sir.

Q. And then what light you get into the cell would come from these holes? A. From the hall.

Q. It comes through these holes into the hall, and the air comes in that same direction? A. Yes, sir.

Q. Is it not pretty dark up there? A. No, sir; not very dark.

Q. What do you mean by not very dark? A. It is light enough to see to read up there.

Q. To see to read? A. Well, I could see to read there.

Q. Ever try it? A. I have read writing that was in a letter in there; yes, sir.

Q. Well, then, that was when the door was open? A. Yes, sir.

Q. Very well, that is another thing. Shut the door and then try it. Did you ever try it with the door shut? A. I don't recollect that I ever did.

Q. How big was this room, anyhow? A. I don't know, exactly.

Q. Was it more than six feet square? A. I should think it was. It is longer than it is wide.

Q. How wide is it? A. It is perhaps six or seven feet wide and perhaps ten feet long.

Q. The length ran back from the door? A. Yes, sir.

Q. Did that woman have any bed in there? A. She did. Yes, sir; at night. It was taken out during the day.

Q. And any other furniture? A. Nothing except a bed.

Q. None except a bed? A. No, sir.

Q. Anything else in the room except a bed? A. That is all.

Q. Sure? A. Yes, sir.

Q. Can't you be mistaken, now? A. That is all I ever saw there.

Q. Well, you saw it enough to know, didn't you? A. I think I did.

Q. If you would not give a woman a night bucket, you would not blame her for doing anything she pleased anywhere, would you. A. Well, I never gave her one.

Q. You never gave her one. Then she wasn't to blame for not using it when she hadn't it; that is the condition of things, isn't it? A. I didn't have the care of her.

Q. Very well; now, then, we have got this woman very much emaciated, shut up in a room seven by ten, if you please, in a dark room, in an attic, in July, under the roof, with no air except it comes through these holes, nothing to sit down upon in the daytime, nothing to lie on, and a bed taken out at night —

The WITNESS. Through the day.

Gov. BUTLER. Taken out through the day, if she had one; and you say that she was kept confined there from the time you went there down to the middle of July?

The WITNESS. Sometime in July; yes, sir.

Q. And doing her own filth on the floor? A. Yes, sir.

Q. Now, when she was confined up there was she taken out at all? A. She was taken out when she needed bathing.

Q. She was taken down and bathed and put back again? A. Yes, sir.

Q. She would scratch and bite when people came up there? A. If she didn't have restraints on she did.

Q. What? A. Restraints.

Q. What? A. Restraints.

Q. Was she tied up there at that? She wore restraints up there at that A. Yes, sir.?

Q. How was she restrained up there? A. She wore a leather muff and wristers.

Q. Leather what? A. Muff and wristers.

Q. What were they tied to? A. Nothing; it was strapped around her waist.

Q. So as to hold her hands? That is to say, she had a muff around her hands, and wristers, and that was strapped around her waist so as to hold her in that position? A. Yes, sir.

Q. Well, that didn't prevent her from biting. How did they manage to keep her from biting? A. Keep away from her and she could not bite you.

Q. Well, but she could follow you right out? A. When her hands were tied she could not bite you very well unless you got pretty close.

Q. I know; but she could bite if you got close enough. Was there any restraint to keep her from following you out? A. No, sir; she could walk about in the room.

Q. Ever bite you? A. No, sir.

Q. Or hit you? A. She attempted to; yes, sir.

Q. And this idiot fed her? A. Yes, sir.

Q. Well, now, Miss O'Connell, if you had been put up in that room in July, with your hands strapped around you, without any air, without any night bucket, without any chair to sit on, and attended by an idiot to bring your food, don't you think you would have scratched and bit a little? A. I don't know, I am sure.

Q. Do you spell your name Connor or Connell? A. O'Connell.

Q. Have you ever been called Connor up there? A. Sometimes; yes, sir.

Q. You are known there as Hannah O'Connor? A. No, sir; as Hannah O'Connell, my proper name.

Q. I know that is your proper name, but I want to ask you : were you more than fifteen years old when you went to the almshouse? A. I was seventeen when I went to the almshouse.

Q. Have you ever said to anybody — or, before we go to that, who got you there ; how came you to go there? A. My father asked the superintendent for a place.

Q. Asked the superintendent? A. Yes, sir.

Q. So that you came there through the superintendent. Have you ever said to anybody, in substance, that the Marshes had to take you ; that you were only a little more than fifteen years old — A. I was seventeen.

Q. I know you told us fourteen and a half. A. I said when I left school I was fourteen and a half.

Q. You said first fourteen and a half and then afterwards sixteen? A. No, sir ; fifteen and a half. A year and a half from the time I left school I went to the almshouse.

Q. Well, so you were sixteen when you went to the almshouse. Did you ever say that the Marshes had to take you, because your father used to take care of the boxes and shipped them to Exeter? A. No, sir ; I never said anything of that kind.

Q. Never said anything about it? A. Nothing of the sort.

Q. Now, have you ever said that anybody there used to sell the hair they cut off of the women? A. No, sir ; I never did ; I could not say it, and say the truth.

Mr. BROWN. The supreme court have said that the witness may say that.

Gov. BUTLER. What?

Mr. BROWN. You said never mind. She said she could not have said it, because it would not be the truth. You said never mind that. And the supreme court says that is a proper remark for a witness to make.

Gov. BUTLER. I didn't say that it was not, only it took time to make it. If she didn't say it, that settles it.

Q. What do you think of Mr. and Mrs. Dudley? A. I liked them very well to work with.

Q. Were they good people? A. They were very kind to me.

Q. Were they kind to the other people? A. I think they were.

Q. And took good care of them? A. I don't know as I was qualified to judge how they took care of other people.

Q. You were not qualified to judge how they took care of other people. Why not? Here you were getting pretty large wages. Your name in the auditor's report, and you are one of those attendants we have heard so much about. You were brought here to tell about the treatment of the women. I thought you were qualified. Now, when I ask you about the Dudleys, you don't know as you are qualified. Why? Have you ever said that Tom Marsh—or I will go back a little. Did you use to write letters to the Dudleys? A. I had one letter from Mrs. Dudley after she left.

Q Did you send any to her? A. I never answered it; no, sir.

Q. Have you said to any one, as a reason why you didn't answer it, that Tom told you not to write to Mrs. Dudley, "or she may write something that may come out against us?" A. He never said anything of the kind to me; no, sir.

Q. Did anybody? A. My father told me not to write to her.

Q. Your father told you not to write to her? A. Yes, sir.

Q. When did he tell you that? A. After I received the letter.

Q. Just after you received the letter? A. Yes, sir.

Q. Have you got that letter? A. No, sir; I have not.

Q. Where is it? A. I suppose it is destroyed.

Q. Was it a kind letter? A. Yes, sir; quite so.

Q. Anything in it that should not be? A. I don't recollect that there was.

Q. Simply a kind letter to one that she had been kind to; and you had been kind to her? How long was that after the Dudleys left? A. I could not say for certain; about two months, I think.

Q. They had gone down where? A. Down to Danvers; that is what I heard.

Q. The letter came from Danvers? A. Yes, sir.

Q. And they wrote you from where they were—or she wrote you a kind letter. Why shouldn't you answer that kind letter, written by a kind friend who had been gone away for two months? A. I thought I should obey my father. He asked me not to.

Q. I know; you should obey your father; but you would have written if your father hadn't told you not to? A. I probably should have.

Q. Why did your father tell you not to write to this woman? A. I never knew his reason.

Q. Did you show him the letter? A. No, sir.

Q. How came he to find out you had it? A. I told my folks about it.

Q. Spoke about it where? A. At home.

Q. Did you speak about it in the institution? A. Yes, sir.

Q. What did your father say to you?

MR. BROWN. I pray the judgment of the committee. We have had a good deal of hearsay; but this is too remote.

Gov. BUTLER. The remoteness has passed away, I think.

MR. BROWN. I admit it. We have come to antiquity, now.

Gov. BUTLER. The remoteness has passed away, I think, when we admitted by the solemn vote of this committee what an old lady said to a man — that Austin Farm doctor; I don't remember his name — who, being summoned, and wanting something to tell, went down and asked an old woman who was not very bright, and that was admitted by a solemn vote of the committee.

MR. BROWN. Because she had been an inmate of Tewksbury.

Gov. BUTLER. Now, I am upon this question: this girl comes here to contradict Mr. and Mrs. Dudley. I want to show under what influence she is. Mr. and Mrs. Dudley, she says, were kind to her; and they should have been to such a child, that was sent there to take care of insane people. One of the attendants we have heard of. Mrs. Dudley—there being perfectly good feeling between them—when she was away, wrote to her. And this girl says she would have written a letter — she would have answered that letter, except her father told her not to. Now, I want to know what there was, what change, under what influence that was done—the reason why it was done; what the Dudleys knew about this institution that it was not safe for the people to know who corresponded with them. The Dudleys, you remember, went out with a certificate from Dr. Lathrop; and we are investigating — that is all this woman is brought here for — she is brought here to tell a story, which will be examined by and by. Now, the question is whether I, on cross-examination, not putting in evidence in chief, as was the case in the

Austin Farm case — shall I ask the witness what was said to her and the influence under which she is testifying here now — a mere child then, and substantially, if her testimony just given was correct, an infant now in the eye of the law. The question is: shall I, on cross-examination, ask that question.

MR. BROWN. Of all absurd propositions this is the most ridiculous. This man has nothing to do with this institution. He never was an inmate, never was insane, had nothing to do with its management, and is not responsible for its management in any way, shape or manner. This young lady was at the institution, and knew Mr. and Mrs. Dudley. After Mr. and Mrs. Dudley left, she received a letter from Mrs. Dudley, which she mentioned at home, and her father advised her not to answer it. And if he knew as much about Mr. and Mrs. Dudley as we have learned here, it was a very prudent suggestion on the part of the father.

GOV. BUTLER. I want to demonstrate his prudence by what he said.

MR. BROWN. Now, is there any sense possible, can you conceive of any -- certainly none has been suggested --- can you conceive of any ground which he has not thought of, on which that can be competent — a conversation between this girl's father and this girl as to why she should not write to the Dudleys. I cannot conceive of any; I have not heard any stated.

GOV. BUTLER. I have got it another way; now I will withdraw the question, sir.

MR. BROWN. All right; thank you.

Q. (By Gov. BUTLER.) Your father was station agent there, wasn't he? A. Yes, sir.

MR. BROWN. One of your witnesses, wasn't he?

GOV. BUTLER. I cannot cross-examine two at a time.

Q. And he was station-agent on what road? A. The Boston & Lowell.

Q. And he had the care of freight backwards and forwards? A. Yes, sir.

A. And he would know what went by the Boston & Lowell road, and where it went to, and whom it went to? A. I suppose so.

Q. There is no doubt about it, is there, that he has told you not to answer Mrs. Dudley's letter? A. No, sir.

Q. No doubt about that. How long after you got it? A.

I could not state exactly how long it was. It was not a great while.

Q. Now, then, state what it was. Did he give you a reason for it? A. He only said to me not to write.

Q. Don't tell me what he said, because that would be objectionable; but tell me whether he did or did not give you a reason? A. He did not.

Q. He told you not to write and you didn't write. Ever seen Mrs. Dudley since? A. No, sir.

Q. Or Mr. Dudley? A. No, sir.

Re-direct examination by Mr. Brown.

Q. You were asked when your attention was called, after 1880, to the matter of this Barron woman? A. Yes, sir.

Q. I want now to ask you if your attention was ever called to it until you heard what Mr. Dudley testified in regard to her?

A. It was never called to it, sir.

Q. Until then? A. No, sir.

Gov. BUTLER. I so understood it.

Q. Now, this idiotic girl who fed that Barron woman still fed her all the time while Dudley had charge of her? A. Yes, sir.

Q. All the time? A. Yes, sir.

Q. And if this Barron woman didn't have a night bucket Mr. Dudley could have prevented it, couldn't he? that is, he could have given her one, couldn't he? A. I presume so.

Q. Have you any doubt about it? A. No, sir.

Q. If she was strapped down to a settee —

Gov. BUTLER. That was not done until after they left.

Q. If her hands were strapped together in what you call a leather muff, Mr. Dudley could have prevented it, as far as you know? A. Well, it was necessary to have her hands tied.

Q. Well, was not he judge of the necessity, being in charge of the building?

Gov. BUTLER. Is not that a question beyond the witness?

Mr. BROWN. Well, I am willing to leave it that she was strapped in that way while Mr. Dudley was there.

The WITNESS. Yes, sir; she was.

Mr. BROWN. And that saint would not have allowed it if it hadn't been necessary.

Q. Now, this idiotic girl that we have heard so much about, was she absolutely an idiot or was she a sort of demented person? A. She is not very demented.

Q. Well, how demented is she? Give us an illustration of her capacity? A. She is capable of doing errands — some errands.

Q. If you give her an errand and tell her to go across the yard and get a glass of milk, can she go and bring it back to you? A. Yes, sir; she could.

Q. And she is not a vicious person? A. No, sir.

Q. She is gentle? A. Yes, sir.

Q. And kind? A. Yes, sir.

Q. Can do errands and do them well? A. She does; yes, sir.

Q. And was always employed by Mr. Dudley, the saint, to carry that woman the food she fed on? A. She was.

Q. (By Gov. BUTLER.) Do you know that Mr. Dudley swears he found her not competent and did it himself for awhile. A. He didn't after I came there.

Q. He didn't after you came there? A. No, sir.

Q. Your father is dead, isn't he? A. Yes, sir.

Q. You are there now? A. Yes, sir.

Q. (By Mr. BROWN.) You have been retained under the new management? A. Yes, sir.

TESTIMONY OF EMIL A. GROTHUSEN (*recalled*).

Mr. BROWN. Now, Governor, Mr. Grothusen has prepared those percentages and entered them upon the margin.

[The witness produced the table known as exhibit X, printed on the following pages.]

[X]

Comparative Statement of Quantity and Cost of Sundries, 1862-1882. Number of Inmates being about the same; Number of Employés Increased Threefold.

[Inmates, 1862, 913; Inmates, 1882, 895; Decrease of Inmates, 1.96 per cent.]

ARTICLES.	Quantity, 1862.	Quantity, 1882.	Cost, 1862.	Cost, 1882.	Increase and Decrease.
Employés, . . .	22	53	-	-	{ Increase of employés, . 140 per cent.
Salaries, . . .	\$7,227.49	\$19,510.77	-	-	{ Increase of cost, . . 170 "
Flour, . . .	274,596 lbs.	328,496 lbs.	\$6.02 per bbl.	\$7.20 per bbl.	{ Increase of quantity, . . 19 "
Corn, . . .	148,400 lbs.	100,800 lbs.	59 cts. per bush.	83 cts. per bush.	{ Decrease in quantity, . . 47 "
Salt meat, . . .	42,000 lbs.	43,000 lbs.	\$9.43 per bbl.	\$14 per bbl.	{ Increase in cost, . . 40 "
Fresh meat, . . .	52,566 lbs.	88,228 lbs.	6 $\frac{1}{10}$ cts. per lb.	7 $\frac{3}{10}$ cts. per lb.	{ Increase in quantity, . . 24 "
Salt fish, . . .	16,000 lbs.	22,415 lbs.	1 $\frac{1}{4}$ cts. per lb.	3 $\frac{3}{4}$ cts. per lb.	{ Increase in cost, . . 48 "
Fresh fish, . . .	21,982 lbs.	33,117 lbs.	2 $\frac{1}{2}$ cts. per lb.	4 $\frac{1}{4}$ cts. per lb.	{ Increase in quantity, . . 68 "
Groceries, . . .	-	-	\$641.85	\$1,347.22	{ Increase in cost, . . 106 "
Sugar, . . .	4,349 lbs.	33,012 lbs.	10 $\frac{1}{2}$ cts. pr. lb.	8 $\frac{1}{2}$ cts. per lb.	{ Increase in quantity, . . 40 "
Molasses, . . .	41,512 lbs.	7,848 lbs.	24 $\frac{1}{4}$ cts. per lb.	49 $\frac{1}{4}$ cts. pr. gal.	{ Increase in cost, . . 50 "
Tea, . . .	657 lbs.	5,307 lbs.	40 cts. per lb.	26 cts. per lb.	{ Increase in quantity, . . 70 "
Coffee, . . .	*	7,333 lbs.	-	14 $\frac{1}{2}$ cts. per lb.	{ Increase in cost, . . 109 "
Butter, . . .	3,127 lbs.	16,460 lbs.	18 cts. per lb.	21 cts. per lb.	{ Increase in quantity, . . 103 "
					{ Virtually none in 1862.
					{ Increase in quantity, . . 81. per cent.
					{ Increase in cost, . . 103.
					{ Virtually none in 1862.
					{ Increase in quantity, . . 426. "
					{ Increase in cost, . . 16.66 "

Eggs,	1,578 lbs.	2,802 lbs.	17½ cts. pr doz.	24 cts. per doz.	{ Increase in quantity, Increase in cost,	. 76. per cent. . 38. "
Beans and Pease,	6,240 lbs.	18,599 lbs.	1½ ct. per lb.	4⅞ cts. per lb.	{ Increase in quantity, Increase in cost,	. 200. " . 230. "
Rice,	50 lbs.	9,843 lbs.	6½ cts. per lb.	6⅞ cts. per lb.	{ Increase in quantity, Increase in cost,	. 300 " . 50 "
Oat Meal,	2,300 lbs.	9,200 lbs.	2¾ cts. per lb.	3½ cts. per lb.	{ Increase in quantity, Increase in cost,	. 500 " . 50 "
Rye Meal,	600 lbs.	3,600 lbs.	1½ ct. per lb.	2¼ cts. per lb.	{ Increase in quantity, Increase in cost,	. 50 "
Crackers,	6,088 lbs.	None.	6½ cts. per lb.	-	None in 1882.	
Potatoes,	196,800 lbs.	None.	44 cts. per bu.	-	None in 1882.	
Drugs, Surgical In-	818,845 lbs.	730,360 lbs.				
struments, Artif.	\$429.17	\$1,435.14	\$429.17	\$1,435.14	Increase in cost,	. 234. per cent.
Limbs and Trusses,						
Coal,	577½ tons.	2,192 tons.	\$4.65 per ton.	\$5 per ton.	Increase in quantity, Increase in cost,	. 246. " . 8. "

* None except for officers' use.

Gov. BUTLER. Well, we haven't the totals here.

Mr. BROWN. Well, add the totals.

[The totals requested were subsequently added and appear on the table as printed on pages 2398, 2399.]

The WITNESS. If the chairman will allow me I would like to correct my testimony. The error is not a part of my report; it was collateral testimony which I gave from memory in regard to coffee. His Excellency suggested at the time that ten cents was a very cheap price for Rio coffee, and that three cents was a big price for roasting. The price of the coffee was thirteen or thirteen and a half cents, and the price of roasting was half a cent per pound. It does not appear in my report, but I wanted to correct it.

Gov. BUTLER. It is in your testimony, and I think it had better be corrected. I knew that ten cents was a small price for Rio coffee.

TESTIMONY OF THOMAS J. MARSH (*sworn*).

Direct examination by Mr. Brown.

Q. You have been superintendent of the Tewksbury almshouse, haven't you, Mr. Marsh? A. Yes, sir; I have.

Q. By the way, how old are you? A. How old?

Q. Yes? A. My mother used to tell me I was born on the 7th day of March, 1805.

Mr. BROWN. Well, that is the best evidence we have.

Gov. BUTLER. — I won't say it lest I should be misrepresented.

Q. How long have you been connected with this institution? A. Twenty-five years ago yesterday morning.

Q. Twenty-five years yesterday morning. That was the 22d day of June, 1858, was it? A. Yes, sir.

Q. And you made your first report on the first day of October, 1858, did you? A. Yes; I think there were two reports made. The retiring superintendent made one, and I made one covering a short time.

Q. Who was your predecessor? A. Isaac H. Meserve.

Q. Do you know whether he was there from the time the institution was built, in 1854, down to the time you took it? A. I think he was; yes, sir; all the while. He was there previous to its being opened. He was there at the furnishing of it. I believe.

Q. (By Gov. BUTLER.) He superintended the building?

A. No, sir; not the building, but the furnishing.

Q. (By Mr. BROWN.) Those buildings were built in 1854, were they? A. I think previously, sir. I think they were opened by the governor's proclamation for the reception of inmates the first day of May, 1854; that is to the best of my recollection.

Q. Now, will you turn to page 26 of the report of the state almshouse for the year 1858 and tell me if that is the report which you made at that time? A. To the inspectors—yes, sir.

Mr. BROWN. Now, Mr. Chairman, I don't know what is the view of His Excellency in regard to these reports, but I want to call the attention of this witness to very many things which are contained in them, commencing with 1858 and coming down to the present time. I don't want to read the reports in full, but if His Excellency is willing to consent I would like to have the reports treated as in the case, with the right of either party to refer to them for such purpose as he may deem necessary.

Gov. BUTLER. I think if by having them in the case you mean they are to be printed,—

Mr. BROWN. I don't want them printed.

Gov. BUTLER. I think, all official reports—I should take the right to refer to everybody's official report.

The CHAIRMAN. I should like to have that agreement, that official reports may be referred to.

Mr. BROWN. Including House and Senate documents.

Gov. BUTLER. Everything that is official.

Mr. BROWN. I only thought we had better have an understanding about it.

Gov. BUTLER. Certainly, sir, I should make free use of them.

Mr. BROWN. Now, Mr. Marsh, I want to call your attention on page 26th of this report to language used by you at that time.

Gov. BUTLER. Why should we go over it now?

Mr. BROWN. I want him to testify in regard to certain matters, and I want to call his attention to a paragraph in the report.

Gov. BUTLER. I don't want to limit anything; go on.

Mr. BROWN. [Reading.]

“In my opinion there is required more school accommodation. We now have in *one room*, all the children of the institution who attend school. Their daily average attendance for the past year has been

two hundred; very soon, doubtless, that number will be increased. I therefore recommend that a new school-room be provided, to the end that there may be a division of the school."

Gov. BUTLER. Why should we go into that when we know that the school was taken away a good many years ago to Monson, and there has not been a word of evidence on one side or the other about schools.

Mr. BROWN. I don't know but I may as well state my view about this matter. This man has been superintendent of this almshouse for twenty-five years, lacking a short time. He is charged, in the language of His Excellency, during that period, with "stealing like the devil."

Gov. BUTLER. I have not said that, sir.

Mr. BROWN. I beg your pardon. The official report shows that you said, only last week, "they stole like the devil" at Tewksbury.

Gov. BUTLER. Yes; but I didn't say that this man did. I think this was a pretty good institution until his boys grew up, if you want my view about it.

Mr. BROWN. Then this man is an honest man, you admit, do you?

Gov. BUTLER. I have no admissions to make on one side or the other.

Mr. BROWN. Very well; then I will go on with the case.

Gov. BUTLER. But then you must not state what is not true. I said "they," and I think we shall find it out before we get through.

Mr. BROWN. I think this witness may be fairly included in the expression "they" unless you except him.

Gov. BUTLER. I am not going to except anybody.

Mr. BROWN. Very well. We will consider him as one of them. "They stole like the devil." Now, this man's character has been attacked; and in the charges made against this man His Excellency has voluntarily gone back to 1861 and 1862. I purpose to show, with the permission of this committee, just what this institution was when he took it. And I purpose to show that in every one of these reports which I hold in my hand there is a specific request made to the inspectors or trustees of this institution, and in almost every case followed by another specific request that the legislature be asked for an appropriation to do that which in his judgment ought to be done

with this institution. And I desire to show to this committee how this institution has grown up year by year, this man patiently waiting, sometimes going before the legislative committee six times before he got the appropriation which in the judgment of the legislature afterwards was deemed proper and important. Asking in three successive years for proper and suitable provisions for the insane; asking in two or three successive years for a new pest-house, so that those infected with the small-pox might be removed from others and have suitable accommodations; asking from time to time for barn room, so that a suitable number of cows could be kept to feed these people with milk who needed it. Now, I think it is fair and proper that this man should have an opportunity of showing precisely what he has done, commencing with the time when he took the institution and coming down to the present time.

Gov. BUTLER. What is all this about? I haven't objected.

Mr. BROWN. Well, you haven't heard; you haven't been listening.

Gov. BUTLER. I haven't objected to anything. Why this explosion? I asked you if you wanted to go back to the school, and then I said: I won't object if you do, and there was an end of it.

The CHAIRMAN. I don't think there is any issue, Mr. Brown. I don't understand him to object.

Mr. BROWN. He certainly didn't use those words.

The CHAIRMAN. I think the proper way would be for you to call his attention —

Gov. BUTLER. I agree a part of this was said; however, we will see.

Q. (By Mr. BROWN.) Now, I want to know what the condition of the children was who were to be educated at that institution when you went there. What was their condition? A. I think the school was in one of the dormitory wards.

Q. Do you recollect which one? A. It is what is now called the old ladies' ward.

Q. What is now the old ladies' ward? A. Yes, sir.

Q. You had an instructor there? A. Yes, sir.

Q. Was there a chaplain of the institution there at that time? A. There was; not a resident chaplain.

Q. At any time was the office of chaplain and instructor in one? A. Yes, sir.

Q. Held by one person? A. Yes, sir,

Q. When were those children removed? A. From the institution?

Q. From the institution? A. It was after the building for the chronic insane was put up and finished.

Q. They were there in 1862, were they? A. Yes, sir; after.

Q. At the time when you received the letter from Gov. Andrew, addressed to the children, which was read in evidence. Now, take the report for 1858. I notice you used this language in your report:—

“In consideration of the quantity of milk required daily, and the sum annually paid for it, I suggest the importance of purchasing a sufficient number of cows to supply the demand.”

What was the fact at that time? Was there a sufficient supply of milk? A. They used to purchase all they had. I think there were two cows when I assumed the charge; they were fat Durham cows. They didn't give much milk. I asked why they were kept, and they said to supply the superintendent's table with milk. I very soon had them turned into beef and ate them up.

Q. Do you recollect the number of inmates you had in the first year you went there? A. When I went there?

Q. Yes; on the 22d day of June, 1858? A. I think the number then was 550 or 555; it was a fraction between fifty and sixty; in the winter it used to be much larger.

Q. Now, sir, I will take your report for 1859. On page 15 I notice you use this language:—

“I wish to call your attention to the urgent need we have for enlarged storage accommodations. I would recommend that an additional barn be built, say, sixty by forty feet, with twenty feet posts under the whole of which there should be a cellar suitable for the storage of vegetables raised upon the farm. The cellar I could have dug and stoned by the inmates during the winter. The expense for lumber, slating, &c., would probably not exceed eight hundred dollars. Should the above meet your approval, I respectfully request you to ask the legislature for a sum sufficient to enable me to build such a barn.”

What was the accommodation at the time when you made that report? A. For the storage of vegetables?

Q. Yes, sir. A. Well, sir, all the buildings—the large

buildings, the original buildings — had cellars under them; but they had been ruined for the purpose of storing vegetables, by having steam-pipes run through them, keeping them warm in winter.

Q. So that you had at the time when that report was printed no suitable place for the storage of vegetables? A. No, sir.

Q. What quantity of vegetables, in round numbers, were you raising upon the farm? Well, at that time, the quantity was smaller, considerably, than now, although I could not state what we had.

Q. Do you recollect how many acres there were in the farm at that time? A. I should think not far from 125 or 130 acres.

Q. What is there now? A. About 250.

Q. Now, Mr. Marsh, I want to call your attention to this, on page 13, of the report for 1860: —

“It has been deemed advisable to have a small building separate from the main house for the treatment of contagious diseases. The *old farm-house* has hitherto been used. When so used, it has always excited the fears of the citizens by reason of its peculiar location, and has been once complained of as a nuisance, to the grand jury. It is not worth repairing, and will no longer meet the wants of a pest-house. A new one should be built.”

What was the fact, in regard to that, at that time? A. Just as stated, sir.

Q. How was this old farm-house situated with reference to the other buildings? A. It was on the east side of the building, perhaps one hundred or more rods from the back side of the barn.

Q. Was it within what is now the present inclosure of the almshouse? A. Do you mean the fence?

Q. Yes, sir. A. No, sir; it was not.

Q. (By Gov. BUTLER.) Do I understand it was objectionable, because the farm-house was near to citizens' buildings? A. It was on the bend of the road.

Q. (By Mr. BROWN.) Where the new house is being built, or where there is a cellar? A. No, sir; it is out the other way. I can show you on the other map, the old map. [Map referred to, and location pointed out.]

Q. How far removed from the other buildings? A. Well, there are the other buildings.

Mr. BROWN. The 100 scale is feet to the inch. Some 700 or 800 feet.

Q. Where is the other pest-house? [Location pointed out.]

Q. Now, Mr. Marsh, I want to call your attention to your report for the year 1861, page 13, to this language; tell me what the fact was in regard to this matter: —

“You are aware that when you entered upon the supervision of this institution many deficiencies existed in its accommodations and arrangements. Not only a wise economy, but the comfort and safety of the inmates demanded for these an immediate remedy. By the prompt attention of the executive and legislative departments to the recommendations of your Board, these wants have been supplied, with a single exception. An ample and never-failing supply of pure water has been introduced into the almshouse and out-buildings. A capacious and substantial barn has been built to receive the increasing produce of the farm. Large reservoirs have been constructed, and exposed fields have been inclosed with enduring walls. A new pest-house, too, is in process of erection, and will soon be ready for occupancy. Those improvements, absolutely necessary, and too long deferred, have apparently increased the expenses of the institution for the last three years, but will henceforth tend to their diminution.

“The only exception above alluded to is the want of suitable accommodations for the insane.”

Now, I want to know what, in 1861, were the accommodations for the insane? A. In 1861 there was one building, one story high.

Q. Show me where it was, will you? [Location indicated on plan.]

Gov. BUTLER. At what time will the committee adjourn today?

The CHAIRMAN. We should like as long a session as we can have.

Gov. BUTLER. I can give just as long as you please, only sometime, I suppose, we shall take a recess. I only wanted to know so that I could make an appointment. I don't care what hour it is.

Mr. RISTEEN. I move that we adjourn at twelve o'clock, for the day.

The CHAIRMAN. Some say twelve and some say one.

[The question was put to the committee and it was voted to adjourn at one o'clock.]

Q. (By Mr. BROWN.) Then, if I understand you, Mr.

Marsh, the accommodations for the insane at that time, in 1861, consisted of a brick building? A. No, sir; a wooden building where the brick building now stands.

Q. It stood on the precise spot where the brick building now stands, on the left of the gateway. The large brick building is the new hospital? A. Yes, sir.

Q. How large a building was it?

Gov. BUTLER. The same size as now?

The WITNESS. No, sir; it has been enlarged twice, I think.

Q. (By Gov. BUTLER.) I know; I got it wrong. I meant to say that the new building was the same size as the old one.

A. No, sir: one was 318 feet long and the other about 30.

Q. (By Mr. BROWN.) Was it the same width? A. About 20 or 30 feet, I should think.

Q. Had it three rooms? A. Two rooms.

Q. (By Gov. BUTLER.) And it was built in, 1861? A. Well, this I am speaking about, that wooden building, 20 or 30 feet long —

Q. (By Mr. BROWN.) That was all the accommodation you had at that time? A. For the insane.

Mr. BROWN. Now, Mr. Marsh, take the report —

Gov. BUTLER. You don't give, now, how big a building they built in answer to this report of 1861.

Q. (By Mr. BROWN.) They didn't build any in 1861? A. No, sir.

Mr. BROWN. He had to go several times.

Gov. BUTLER. Whenever they did build it.

Mr. BROWN. Whenever they did I will show the size of it.

Gov. BUTLER. Hadn't you better read that whole report of 1861, showing why they wanted to build it; not because he hadn't enough then, but because he wanted more there.

Mr. BROWN. [Reading.]

“Large numbers of this class have been transferred hither from the lunatic hospitals. They are confined at present, in an insecure wooden building, utterly unsuited to the purpose intended. An immediate change is required by a proper regard to the claims of humanity and common decency. A fire-proof brick building, heated by steam, and provided with all needful accommodations, can be erected for four thousand five hundred dollars, as estimated by a competent architect.

“That this will be a measure of economy as well as humanity, will appear in the following estimate: —

"The State now pays \$130 per annum for the support of its insane patients in the lunatic hospitals. They can be supported here at an average cost of \$52 each. The hospitals are now uncomfortably crowded with a class of harmless incurables, whose transfer to the almshouse would be welcomed by their managers. The difference of cost to the State would be \$78 per annum in each case, while in a proper building they would be cared for equally well. If only sixty patients should be so transferred, the saving would be \$4,680 in a single year, being more than the whole cost of the building alluded to, and in each succeeding year a similar saving would be effected. In ten years it would amount to nearly \$59,000. It surely can make but little difference whether the sum of forty-five hundred dollars be paid to the hospitals for the support of these inmates, over and above what it would cost here, or to the almshouse, for the provision of suitable accommodations, at a reduced cost for their support. I therefore most earnestly recommend an application to the legislature for an appropriation sufficient for the purpose indicated."

Q. (By Mr. BROWN.) Now, you didn't get that that year?
A. No.

Mr. BROWN. Now I come to the report for 1862.

Gov. BUTLER. Does that report show how many insane he actually had?

Mr. BROWN. Yes; it does.

Q. (By Mr. BROWN.) Now, from the time you took possession of this almshouse, as its manager, up to 1862, you depended almost entirely upon pauper labor, did you not? A. Yes, sir.

Q. Your report states the number so employed. A. I presume it does.

Q. And the auditor's report? A. Yes.

Q. Now, I want to come to this question: From 1858, when you took possession of the almshouse, down to 1879, what means of discipline had you used at the almshouse? A. Well, from the first, when I first went there, they had cells in the basements of the buildings for women and for men, with iron bars, iron gates and heavy locks, etc.

Q. Did you use them? A. Sometimes, if we had to.

Q. How frequently? A. Not very often.

Q. What was the principal mode of discipline and the chief punishment resorted to by you prior to 1879? A. Well, sir, I never had any very great trouble with anybody, if they were sober or hadn't delirium tremens or something of that sort.

Q. What was the means of punishment?

Gov. BUTLER. He has told you — the cells.

Mr. BROWN. No; he has not.

The WITNESS. I was going to say that at the time of the investigation at Bridgewater I was asked about that same matter and my reply was that I hadn't very much discipline; that my people were well-behaved as a rule, and that I treated them kindly. I never commanded them to do anything, but asked them if they would; and they always would. They asked me what I would do, supposing I came to some great lazy fellow who would not work, and I told them I didn't have any such cases; I didn't have trouble of that kind.

Q. Did you ever have occasion,— did you sometimes use as a means of punishment a threat to expel them from the institution? A. To expel them?

Q. Yes, sir. A. Oh, I have discharged them; yes, sir.

Q. You have discharged paupers as a punishment? A. Yes, sir.

Q. Was that generally sufficient punishment? A. It used to answer pretty well.

Q. Used to answer all purposes? A. Usually.

Q. You never had any trouble or disorder there in the institution during the time you have been there of a serious character? A. Well; sir, I think it will compare favorably with any of the institutions.

Q. I don't ask that. Do you recollect any instance where you have had any considerable amount of insubordination or lack of discipline? A. I do not.

Q. How frequently have you resorted to that means of punishment — expelling men from the institution? A. Discharging him and sending him away?

Q. Yes. A. I could not tell definitely.

Q. Well, generally. A. Not very often; not very often.

Q. Now, Mr. Marsh, come to your report of 1862; upon page 9 —

Gov. BUTLER. I cannot find the number of insane [in 1861]; perhaps you can.

Mr. BROWN. You will find it in the physician's report.

Gov. BUTLER. I have read the physician's report carefully; that is, his tabulated report. He has got all the diseases but insanity.

The WITNESS. When I first went there we had about twenty in this small building I spoke of.

Gov. BUTLER. That is what I wanted to find. I thought the report would show it.

Mr. BROWN. I don't find it.

Gov. BUTLER. Mr. Marsh says that when he first went there he had about twenty in that small building.

Q. (By Mr. BROWN.) Now, I notice that on page 9 of the report for 1862, you used this language : —

“So successful here has been the application of pauper labor to agricultural pursuits, that it has become a question whether the purchase of additional land for farming purposes will not be a step both judicious and economical.”

Did you use pauper labor entirely at that time? A. We had a few hired men at that time; the number employed is given there.

Gov. BUTLER. He says in another part of the report that there was a drawback because a good many of the able-bodied men had gone to the war.

The WITNESS. Some had. That is the year, I believe, that was compared with last year.

Gov. BUTLER. Yes, sir.

The WITNESS. I wish you would read a passage in the report of the inspectors, returning thanks to Gov. Andrew for a large supply of clothing. You didn't happen to see that.

Gov. BUTLER. Yes, I saw that.

The WITNESS. Did you see it?

Gov. BUTLER. Yes, I saw it. They have not been permitted since.

Mr. BROWN. [Reading.]

“The inspectors take this occasion to acknowledge the receipt from the Executive Department of the Government, of a liberal supply of men's garments; those originally intended for our soldiers, but discarded for others, have proved most timely and servicable, and will diminish our clothing account very materially.”

Gov. BUTLER. They were gray clothes.

The WITNESS. That was why the expense of that year was somewhat lessened.

Q. (By Mr. BROWN.) So that that was one of the reasons why the expense of 1862 was considerably less? A. Yes, sir.

Q. Well, about how did that affect the running cost of the

institution? A. Well, I cannot tell you, sir. I have no definite idea about it; only about what would be paid for the men's clothing.

Q. Do you recollect about how much that would be? A. Perhaps the report would tell it. I have not been in the habit of carrying those things in my mind because I knew my books showed it.

Q. Now, on pages fourteen and fifteen of this report [for 1862] I notice you speak of the amount of milk which was raised upon the farm, the amount of hay, etc. If I understood correctly you gradually continued buying cows, the milk of which was used at the institution; and you increased from two cows in 1858 to how many cows now? A. We have in milk to-day forty-eight.

Q. Forty-eight cows? A. In milk.

Q. Is that the largest number you ever had? A. It is about as large; yes, sir. I should think so.

Q. The largest number you have ever had? A. Yes, sir.

Q. In 1862, I see by page fifteen of the report, you had twenty-five cows; but it does not state how many were in milk at that time. A. We have more than forty-eight now in milk.

Q. You have fifty-five here this winter? A. Oh, we have six or eight coming in with calves, and then we have twenty in pasture.

Mr. BROWN. [Reading from page 16, report for 1862], —

“In the last report allusion was made to certain permanent improvements, ‘necessary and too long deferred,’ which the inspectors had been gradually making during the past three years, and which had apparently increased the expenses of the institution, that would henceforth tend to their diminution. It was further stated that these improvements had been completed, with the exception of suitable provision for the insane, which then awaited and still awaits the action of the legislature.”

Q. (By Mr. BROWN.) How many years, do you recollect, had you been to the legislature to get suitable accommodations for the insane? A. Most always I kept on until I got it.

Mr. BROWN. Most always you kept on until you got it. That has appeared in all the reports up to now.

Gov. BUTLER. What year was that?

Mr. BROWN. 1862.

Gov. BUTLER. How many insane were there then?

Q. (By Mr. BROWN.) Do you recollect how many insane there were then, Captain? A. I do not.

Mr. BROWN. Don't the report show?

Gov. BUTLER. I have been looking. I supposed it should appear in the last part.

Mr. BROWN. I notice on page 18 of the report for 1863 it says 34 insane had been transferred to this institution.

Gov. BUTLER. A change had been made of some sort, and the policy of transferring them had been adopted.

The WITNESS. I think they were put into the house among the other patients for a time.

Q. (By Gov. BUTLER.) They could not have been put into that building? A. No.

Q. (By Mr. BROWN.) Do you recollect what, if any, property was destroyed by fire there in '63? A. '63?

Q. Did you have a fire there, or a boiler explosion, or something, about that time? A. I don't remember the year; we had a terrible boiler explosion there. You will find that mentioned, if that is what it was, sir, — the only fire that I remember was one of a Sunday; there was some old clothes lying in the wash-room near where there was an opening in the chimney, and some coal set them on fire, that was a matter of no great account, — till we had the cook-room burned up.

Q. I notice, Mr. Marsh, that in your report for 1863, page 19, you use this language: —

“In closing this tenth annual statement, it is with pleasure that I accord to many of the inmates congregated here from time to time, general good deportment while here, and alacrity with which they perform their varied duties.”

Up to that time do you recollect if there had been any serious difficulty in the discipline of this institution? A. Never have had any since we have been there.

Q. Now, come to the report for 1864; I want to ask you if there had been any change in the character of the inmates of the institution from 1858 to 1864, which you called the attention of the public to in this language, and, if so, what was it?

“As the year that has past has been unlike any of its predecessors, so its cares and anxieties have exceeded those of all. The unprece-

dented rise in the cost of the most necessary articles of food and clothing, of labor and fuel, would alone have made it all but impossible to support an average population of 733 with an appropriation based upon ordinary prices. But when to this is added the partial failure, by reason of the excessive drought, of those crops on which we place our greatest reliance, and the withdrawal of the able-bodied, who have in time past performed most of our labor, it would be surprising if the appropriation were not largely overrun. I need not remind you of our earnest and united labors to meet this exigency. It has called for the exercise of the strictest economy consistent with humanity, and of every expedient our ingenuity could devise. The result is before you, and can hardly fail to give you complete satisfaction. The sum total of all our net expenses, ordinary and extraordinary, for the year ending Sept. 30, 1864, will fall short of \$50,000."

Now, what was the change which you describe as the withdrawal of able-bodied men? A. I take it it was the action of the board of health, whatever it was, board of charities, or whatever it was.

Q. Well, what did they do? A. They discharged all the able-bodied men, and sent them off.

Q. Discharged them, and sent them off? A. Yes, sir.

Gov. BUTLER. Well, where?

Q. Where? A. Let them go where they pleased.

Q. That is, did not keep them at the institution? A. Yes, sir.

Q. Up to that time had you had a large number of able-bodied men who worked on the farm and elsewhere? A. Yes, sir.

Q. And who were productive laborers? A. Yes.

Q. And who cost the Commonwealth nothing except their board? A. Board and clothes.

Q. Board and clothes. Won't you illustrate how such men would come there, and be kept? A. They would come in the fall of the year, in the beginning of cold weather, and stay through the winter, and then they would be anxious to get out, and say they could get work, and of course they would discharge them.

Q. Now, what work would these men do in winter which would be of value to the Commonwealth? A. Not near so much as the summer work. We used to dig muck in the winter time, and if we had any cellars to dig or stone to get out, or

anything of that sort, we would do all we could to keep them employed.

Q. Now, I notice you use this language in the very next paragraph:—

“The improvement of the farm has been continued to an extent limited only by our lack of laborers. In this respect, we have suffered in common with the other institutions, and have been forced to rely almost solely on the old men and the harmless insane.”

Gov. BUTLER. Does he mean they went off to the war?

Mr. BROWN. Yes; I suppose so.

Gov. BUTLER. In 1864 the large bulk were taken off.

Q. Now, since 1864, has that condition of things which existed prior to 1864 ever been repeated, when there was a large number of able-bodied men in the institution? A. Oh, it has got so, to-day, sir, we cannot hardly do the work of the institution with the people that are there.

Q. When you say the work of the institution, do you mean the farm work? A. No, sir; I mean the work of making the beds, of cleansing the house, and doing the necessary in-door and about-the-house work.

Q. I noticed that in one of your last reports, I think it is the one for 1880, you have asked that the cobble-stones be removed from the yard, because you say the people who go around are so decrepit they cannot walk over the cobble-stones; is that so? A. I have asked for it once or twice.

Q. Is that the fact? A. Yes, sir.

Q. That these cobble-stones are a great inconvenience to locomotion? A. Those were put down twenty years or more ago, and they served a tolerable purpose then, because we didn't mind so much about them,—younger then than now, I suppose.

Q. And your people there were in better health generally? A. Yes, sir.

Q. Can you recollect, and are you able to testify that there has been a marked change in the character of the inmates, so far, as to their general health? A. Yes, sir.

Q. And condition of mind and body? A. Yes, sir.

Gov. BUTLER. I suppose you meant by your question change for better,—or change for the worse, which?

Mr. BROWN. I didn't mean to limit him either way; I only wanted to get at the fact,

Gov. BUTLER. I know; he only says there is a change, and leaves us.

Mr. BROWN. I was going to ask him another question.

Q. What has been the change? A. In the condition of the inmates?

Q. Improvement, or what? A. The insane, the aged, the feeble, the decrepit of all kinds and complexion, — it is a perfect Lazaretto.

Q. How many inmates was your average of last year?

Gov. BUTLER. Oh, we have that.

Mr. BROWN. I know it; but I want to call his attention to it.

A. I should think it was about, — I can't give it precisely, — somewhere about —

Gov. BUTLER. 895, I think it was.

The WITNESS. Yes, sir; 895.

Q. And, in 1862, it was 913. Now, out of these 895 inmates, what number of persons are there who are able to do anything, either sweeping, washing, or any labor about the house or farm? Give me your best judgment about it; I don't care to be absolutely accurate. A. Well, I should think in the neighborhood, take everything, to do all manner of work, there might be a hundred.

Q. Might be a hundred? A. I would not pretend to be absolutely certain about it.

Q. (By Gov. BUTLER.) What do you mean by doing all manner of work? A. I mean washing, and scrubbing, and sweeping, and making beds, and tending the chickens, and everything of that sort; not farm work, I don't mean.

Q. (By Mr. BROWN.) Carrying the food to the inmates? A. Yes, sir; and cooking, baking bread.

Q. Some of them work on the farm? A. A very few; I should think there was not to-day, working on the farm, of inmates ten men.

Q. Ten men? A. There might possibly be that, including those who help take care of the cows: we always get somebody who can't work much out on the farm.

Q. To take care of the cows? A. Yes, sir.

Q. Then you think out of all the males in that institution to-day, there are not exceeding ten who are able to do any work? A. To work on the farm.

Q. On the farm? A. Yes, sir: I may not have got that quite right.

Q. Now, the character of their labor is what? A. Well, it would take more than two to make one man.

Q. Have you got a man there, who is a pauper, who can put his hand to a plough and hold it to be drawn by a pair of horses? A. They don't do it; I don't know that we have any.

Q. You don't think you have any. What do they do on the farm, pick stones? A. Well, they hoe, this time of year; such work as that; get them out to hoe when they could not do the planting.

Q. What other kind of work? A. They do a little in the garden; lie down under the wall, and such things.

Q. Chiefly lying down under the wall, I suppose, isn't it? A. Largely.

Q. Got more than ten men who can do that, haven't you? A. Oh, yes, sir.

Q. What other kind of work do you keep these harmless inmates engaged at? A. We have to team all our coal. It takes one man to drive the horse and dump cart, and about two men to shovel the coal, and we have some that are working in all these kinds of ways; somebody has to do it.

Q. Speaking of coal, I notice you bought 527 tons of coal in 1862 and you have somewhere in the neighborhood of 2,600 tons — A. 2,100, wasn't it?

Q. Twenty-one hundred tons in 1882; what is the occasion of that increase in the consumption of coal? A. In the earlier days we had two boilers that blew up, burst and blew up and did so much damage. — two common-flue boilers; and now we have about ten, I should think.

Q. What size boilers? A. The present?

Q. Yes. A. Four, five of them are large tubular boilers, I should think four, five, by anywhere from thirteen to fifteen feet long, perhaps longer.

Q. And what are those boilers used for? A. Heating the house, cooking.

Q. That is, you have steam-pipes run through the different buildings? A. Yes, sir.

Q. Heating the houses and cooking? A. Yes, sir; we have some low-pressure boilers.

Q. Now, Mr. Marsh, I want you to indicate on the map the different buildings that have been built since 1862. I want you

to take a pencil, Mr. Marsh, and just put your initials on each one of those buildings. A. I can't do that; won't you do it; I will point them out?

MR. BROWN. Every one that has been built since 1862.

GOV. BUTLER. And while you are about it, Mr. Brown, won't you have him indicate how many have been torn down or moved?

MR. BROWN. Yes; I will. How many have been torn down or removed, and the spot, the site of each of such buildings?

THE WITNESS. Yes, sir; on this side [referring to the map], here is the gate entrance; that was the building that was blown up at the time of the boiler explosion; nothing left of it but the walls; that is the cook-room and baking-house.

Q. That has been rebuilt, has it? A. Yes, sir; on the same foundation, the same wall, all but the roof. That is the boiler-house which has been put there since.

Q. That is what building? [Referring to plan.] A. That is now the men's hospital; that is 318 feet long.

Q. That has been built? A. Yes, sir; that has been built. That [referring to plan] is the chapel, that has been built; that is the new water-closet for the men, that has been built; that is the brick building they call the shanty, I believe.

Q. (By GOV. BUTLER.) That is what? A. Where the men sit.

MR. BROWN. Where the men lounge; they call it the shanty; we have heard it called the shanty.

Q. (By MR. BROWN.) Now take the other buildings within the enclosure. A. That [referring to plan] was a part of the building I spoke of, perhaps 10 by 20 feet, — Oh, that building [referring to plan], that is for the insane.

Q. That entire building? A. Yes, sir; that was built one-half and then that was added to it. That is, with the basement, four stories high. About one-half of that building there [referring to plan], one-half of it was originally there as the building for the insane; about one-half, — I don't pretend to be accurate, — about one-half has been built.

Q. You say originally there for the insane; where did it come from? A. It came from down here, sir [referring to plan]; stood there just at the left hand of the entrance to that gate.

Q. Do you recollect which half it is? A. I think it is this half. [Referring to plan.]

Q. And that part [referring to plan] has been built new? A. Yes, sir. That building and that [referring to plan] were the old buildings that used to stand somewheres along here [referring to plan], across that path. I suppose that represents the walk from the office?

Q. Yes. A. That building used to stand somewhere about here. [Referring to plan.]

Q. Is that the place, indicated by that dotted line there? [Referring to plan.] You see this dotted line? A. I should think it was farther from the office than that.

Q. When were they moved, Mr. Marsh? A. They were moved before the erection of that building. [Referring to plan.]

Q. Do you recollect when that was? A. That was seventeen years ago, when the first half was built.

Q. (By Gov. BUTLER.) Moved at that time? A. You remember I don't pretend to be precise about these things; but as near as I can give them.

Q. (By Mr. BROWN.) Now, take any other new buildings within that inclosure? A. That one [referring to plan], that is the present women's hospital; they are united, that building and that [referring to plan], by a corridor. And that [referring to plan] has been built.

Gov. BUTLER. What is that?

Mr. BROWN. That is the gas-house.

The WITNESS. Gas-house. That has been built [referring to plan], that is the laundry; and that [referring to plan] has been built; that is the boiler-house that runs the laundry. The store-room has been moved, simply.

Q. Where was that moved from? A. From somewhere about there [referring to plan]; that was moved back. It was raised up for the purpose of getting cellar room to salt our pork. We had no place on the premises where we could salt our pork and keep it, and so we moved this [referring to plan] back, raised it up, and put a cellar under it, — last year, I think, it was.

Q. Now, take these out-buildings here? [Referring to plan.] A. I don't know as I shall be able to recall them all.

Q. I don't know as I care to spend time on that. I will ask you this question: What buildings were there there in 1858, when you went there? This barn? [Referring to plan.] A. There was one barn; I think that [referring to plan] must be

the main barn. Then there was a shed came along here [referring to plan], something like that.

Q. I want to ask you what is the size of that green-house?

A. I never measured it, but I could give a Yankee's guess, you know.

Q. Yes. A. Ten to 20 to about 20 to 30.

Q. And what is it used for? A. In the summer time it is not used at all; in the winter, for placing bulbs and flower-pots, and things of that sort, — such as are set out on the grounds at this time of year.

Q. In the summer? A. Yes, sir.

Q. Now, this area between the insane hospital, the two hospitals and the hospital near the entrance and the main building, is devoted to the cultivation of flowers in the summer time, is it? A. And shrubbery.

Q. Flowers and shrubbery? A. Yes, sir.

Q. And that hothouse is kept simply for the purpose of protecting bulbs which are there planted in the summer time during the winter months? A. Yes, sir; and raising others to supply the place of those that pass away.

Q. Do you keep a regular hothouse there in winter for the purpose of raising flowers for the table of the superintendent?

A. I was not aware we did; no, sir.

Q. Do you raise any considerable number of flowers there in the winter? A. No, sir.

Q. What is the character of what you have in that hothouse in winter? A. Well, they are what you would see on the ground now, taken in. They flower out in the summer time, and, of course, there would be some flowering in the winter, but it would be very small comparatively.

Q. Very small. A. In that large square, when I went to Tewksbury, there was not a tree nor a shrub of any kind; now it is pleasantly filled with that sort of thing.

Q. How much territory is there in acres or fraction of an acre? A. I could not tell you, sir.

Q. Give us a rough guess. A. Well, I should say there was an acre.

Q. That is laid out in walks? A. Yes.

Q. Green sward? A. Yes, sir.

Q. Shrubby and flowers in beds? A. Yes, sir; anything to make it attractive and pretty.

Q. And, now, I want to ask you, Mr. Marsh, by whom has

that been done? A. That has been done by a man that we have usually had for a gardener; he has had the general superintendence of it, although my son Charles has quite a taste for these things, and he has done considerable of it; and there has been, sometimes, some of the inmates employed in making —

Q. I was going to ask you if a considerable portion, outside of the gardener and your son Charles, — whether the remaining portion of the work has been done by the inmates? A. Entirely.

Q. Entirely by the inmates? A. Yes, sir.

Q. That is, the improvement from its original condition in 1858, and its preservation through the summer months, and the cultivation of the plants has all been done by inmates? A. Yes, sir.

Gov. BUTLER. You don't mean those fellows that lie under the wall?

Mr. BROWN. Oh, when they are woke up they probably went to work.

The WITNESS. Up there in front of the insane building there is now a portion,—there was then quite a large portion,—cultivated by the insane women in flowers.

Q. Insane women in flowers; and what portion of it? A. Oh, not much, but quite a pretty little patch.

Q. A little patch of flowers? A. Yes.

Q. And you furnish them with bulbs or whatever they want? A. Yes, sir.

Q. From time to time to keep them amused in that way? A. Yes, sir; and they enjoy it.

Q. I have no doubt of it. I want to ask you one general question, now, before we go any further, and that is this: I notice in your reports you speak of the amount of money expended at the institution. Now, I want to know whether that amount of money includes, for instance, repairs; so that in getting at the cost per inmate, for instance, suppose you should divide the entire appropriation bill by the number of inmates, would that be the way you would get at the average cost per annum of each inmate? A. Well, sir —

Q. Or would you, and do you, as a matter of fact, when you get at that, go to work and take out all the money that has been expended for repairs and new structures and then take the

balance and divide it by the average number of inmates? A. No, sir; I take every dollar drawn from the treasury.

Q. Every dollar drawn from the treasury? A. Yes, sir.

Q. So that, in 1862, if \$3,000 had been expended in repairs, painting buildings, building new structures, barn cellars or anything of that kind, in making up your estimate of the average cost per inmate that expenditure for a barn cellar or painting, would be included, would it? A. We have usually done those things, such as painting or building, anything of that sort, by a special appropriation.

Q. Special appropriation? A. Yes, sir.

Gov. BUTLER. And a special appropriation is not put into the account.

Q. I notice, Mr. Marsh, that during the last few series of years there has been submitted in a document, usually a House document, an estimate, but in the appropriation bill there is no specific sum mentioned for any particular thing, except an aggregate sum for Tewksbury, for instance. A. It is, I believe, in two divisions; one for what they call running expenses, and the other for salaries. They divide it, I believe; they are allowed to spend so much for salaries, and so much for the running expenses.

Gov. BUTLER. Running expenses; and, then, whenever there is any specific repairs, there is another item still, for whatever it is.

Q. For instance, if there was to be a new building erected—

Gov. BUTLER. Or painted.

Q. Or if they were all to be painted, there would be a special appropriation? A. Yes; I believe there is a special appropriation for painting and repairs; then there is so much for salaries, and so much for running expenses. Now, all the painting or everything that was contemplated, so far as they will be able to do it,—I believe it is indicated what shall be done with that special appropriation,—these things will be charged to that appropriation and that account made up, then the other to the other and divided among the average number of the inmates.

Mr. BROWN. I wanted to get at that fact, so it should appear on the record.

Gov. BUTLER. You will see it in every report, in every account. Take that one of 1862, which is right there.

The WITNESS. Yes, sir; for every year you will find it.

Gov. BUTLER. You will find it deducted.

The WITNESS. You will find it in every report for every year.

Gov. BUTLER. Certainly, sir.

The WITNESS. They never got that new store-house, Governor; you had better give them one this year.

Gov. BUTLER. They want it, of course. In the report for 1862, on the eleventh page, you will find, after making the proper deduction, "We have the exact cost of maintaining, renewing and enlarging, as above, \$49,197.77; and, assessing this sum upon the average number of inmates, we find the average weekly cost for each to have been \$1.03 8-13." Then, deducting further, on the next page, we have \$5,020.92, deducting which gives as the amount actually expended for the care and support of inmates for the year, \$44,176.85; "as the average weekly number of inmates is 913, the cost for the year for each will be \$48.39, and the average cost per week will be \$0.93 11-14."

The WITNESS. That is the year we had the clothes.

Gov. BUTLER. We will see about the clothes. You bought more dry goods that year than you did any other.

The WITNESS. That year?

Gov. BUTLER. Yes, sir; by two thousand dollars' worth.

Q. Now, take '66 and tell me what took place in consequence of which you used this language:—

"The classification of public dependants long since proposed by the board of state charities, has at length commenced. The character of our population has of course been gradually changing. For healthy children transferred to the primary school, we have received cripples, epileptics, and idiots. The laborers of the establishment, who were mainly to be found in the vicious classes, have been in process of removal to the state workhouse, there to encounter that legal restraint and compulsory labor which hitherto have formed no part of our system of charities."

Now, what was the occasion of your using that language? A. Speaking of taking away the children?

Q. Yes, and supplying their places with cripples, epileptics and idiots? A. I suppose then the new insane department, that first half of which I told you about, had probably been constructed.

Q. Then the building which you had five years before asked

for you got in 1866, did you? A. I guess that must have been it.

Q. And that was the occasion for the change? A. They took away —

Q. Now, I want to ask you if you recollect going to the legislature every year from 1861 to 1866 and asking for that new building? A. Well, sir, I might have got tired sometimes and stopped out; I cannot say, certain; I used to follow it pretty close.

Q. You dropped out for a year, but, generally, you followed it pretty close? A. I know I asked fourteen or fifteen years for a barn and then I didn't get it; I only got an addition.

Q. Fourteen or fifteen years for a barn; when did that period commence? A. I am not sure you won't find it in there.

Q. I know; but see if you can't recollect? A. Well, we got the addition to our barn two years ago, and fifteen years,—about seventeen years, I should think.

Q. You have got it now? A. We have got an addition to an old barn.

Q. An addition to an old one? A. Yes, sir.

Q. What did you think you wanted; what did you think you needed? A. I should have had a larger barn and had it further away from the dwelling-houses, but we had to put up with an addition.

Q. Who objected, if you recollect, to that expenditure? A. I never inquired, sir; I don't know.

Q. I will ask you this question: do you recollect whether the board of state charities officially objected to that expenditure? A. I can't say they did, sir; but, then, they didn't always fall in with my ideas.

Q. (By Gov. BUTLER.) They didn't have much to do with it, the board of state charities, the trustees? A. Yes; the board of charities.

Q. (By Mr. BROWN.) I mean either the old board or the new board. A. It was the board of charities, I believe, originally; now it is health, lunacy and charity.

Q. When did you get that addition? A. I should think two years ago.

Q. That is in 1881? A. 1880 or 1881.

Q. So that the new board did have two chances at it. Now,

I notice you use this language in the next paragraph, on the eleventh page of the report of '76 :—

“This welcome change—the necessity for which we have so often indicated,—in a pecuniary sense, must, of course, affect us unfavorably.”

What did you mean by that? A. Let me look at that, please. [Book handed witness.]

MR. BROWN. You refer to the removal of healthy children and working people to Monson and Bridgewater, and supplying their place with epileptics—

GOV. BUTLER. Let him find out what he means by it: he knows better than you do.

A. It says: “Our producers are withdrawn. Helpless and costly consumers take their place. More attendants are required, more nutritious food and greater medical ability. As an inevitable result our institution must retrograde from any advancement towards self-support.”

Q. Yes; and that was consequent upon the change which you described in the previous paragraph. A. They took away from us well and healthy children and sent that class of people.

Q. Now, I want to know, Captain, if since 1862 that process has been constantly going on? A. When that first change was made, we were promised to have men and women that could work. They were going to try the experiment to see whether or not they could work. Land was bought, added to the farm, for the purpose of trying the experiment, and they sent us men that had physical power enough to work and most of them could work. We had a few like Jerome Napoleon Bonaparte from Lowell, that you knew, sir [turning to the governor], I suppose he hadn't mind enough, he could not work, but he was harmless; and they sent us women that could work. Well, you will find somewheres in one of my reports that I began to complain that instead of sending,—by the way, the class of people, I was told, could live just as our ordinary inmates lived; they would not want any additional attendants, would not want any additional food: they were going to be strong, rather what would be called self-supporting. That is the way it was talked to me, and that is the way it was begun. But, when the superintendents of the insane asylums found they could be made to labor usefully, they were perfectly

willing to keep that class at home and to get \$3.25 or \$3.50 a week for them, and they sent me quite a different class; and they have been growing from bad to worse ever since. And you will find I make mention of that change from the promised kind of help to that which I was receiving.

Gov. BUTLER. The superintendents should be turned out.

Q. Now, I notice you say, on page 12 of your report for that year, '66, "We have become an infirmary for those stricken of God and afflicted." A. Well, I guess I meant what I said.

Q. And what you said was correct, was it? A. I think so.

Q. Then you use this language: —

"During the year we have received from the lunatic hospitals large numbers of the class called harmless insane, preparatory to the opening of our new building for their accommodation. Here is another source of expense to us, while the State saves a much larger sum by the transfer. From this class we shall no doubt derive, in the end, many useful laborers, but the period of transition must be more or less expensive."

A. Yes, sir; because we were promised that class, you know.

Q. I notice that you use this language on the thirteenth page of the same report: —

"During the year the asylum for the insane has been completed and furnished at a total cost of \$33,910.98. Of this sum the state treasury furnished \$33,500 and the almshouse the balance."

Where did the balance come from? How did the almshouse come to have the balance? A. I suppose what I mean by that is digging the cellars, and the stones, etc. It could not be money paid out, because we didn't have any.

Q. The reduction in the cost of building consequent upon the labor of those connected with the institution saved that amount of money? A. That is what I suppose, sir.

Q. The difference between those two sums? A. Yes, sir.

Q. Then you describe the building and say it will accommodate 120 inmates; do you recollect how long before that building was filled after it was completed? I notice you say here on the thirteenth page: —

"On the tenth of July, 1866, report was made to the governor and council by the commissioners, that the asylum was ready for occupancy."

How long after that was it before it was filled? A. I could not tell you exactly; but I think they commenced removing and filled it as rapidly as they could.

Q. That was the first half of the present insane building?

A. Yes, sir.

Q. When did you undertake to get the other half constructed? A. Well, sir, I didn't have any trouble in getting that. This was built, as the board then said, as an experiment. It was the board's suggestion that that be built. I had been asking for something previously, never expecting getting so much as that, you know, but a small thing I asked for. But that was built as an experiment, and the experiment proved so satisfactory to the board that they asked for the other half.

Q. (By Gov. BUTLER.) That is, the first half you first asked for, I understand, Mr. Marsh, was a brick building, which you estimated would cost about \$4,000? A. Yes, sir; I thought that was about it.

Q. Yes; about \$4,000; something like that; and when the legislature came to give you the building, under such tutelage as they were, they gave you half of a building which cost \$33,000. A. In the first year there was a little hitch about it. The board asked for such a building as that, or somewhat similar, and submitted their plans, and the legislature granted about \$10,000 for that, and about \$20,000 for putting up a building for the criminal insane. The board were dissatisfied with the act of the legislature placing the criminal insane with the pauper poor,—with the poor people,—and they said there was not enough; the \$10,000 wasn't enough to build this first building, and so they didn't do anything about it. Went to the legislature the next year, and got the criminal part omitted and this permitted, and this was built.

Q. And then you got the first half of the building built at \$33,000? A. Yes, sir.

Q. And, afterwards, got another half, I suppose, for about as much? A. I think the whole cost sixty-five or six thousand dollars.

Gov. BUTLER. That is my remembrance of it.

Q. (By Mr. BROWN.) Now, can you tell me when that chapel was built? A. I don't know what governorship that was built under. That is a wooden building, you know.

Q. Yes. It was built late in the fall of the year. I remember that Mr. Russell,—Mr. James Sturgis, and a gentleman from

Newburyport who was on the governor's council, came out there, — they were councillors, I don't remember the governor, — but there was a special appropriation; we had about \$2,000 appropriated for that building, and for the whole thing, fixing it up. And we got up the building, but could not heat it; could not buy the stoves. These two gentlemen, — Mr. Sturgis and the man from Newburyport, who was in the governor's council, — came out to see it, and they would not let us buy the stoves, to run in debt for them.

Q. Give me, as near as you can, the year that was built?

A. '83,—well, I should think, not very far from 1878.

Q. What had you used for a chapel prior to the time that building was built? A. Well, sir, we had had various places. We had had that school-room I spoke of, after the scholars were gone. We had the room above it once, and we had the dormitory of the insane once. The idea of putting up that at the time was the anticipated rush of people. It was thought that it would be a saving to build it, inasmuch as, I think the board had something to say about it, I am not sure, fearing that the institutions were getting to be so full they would have to pay the expense of keeping them in the towns, and that was put up as a sort of makeshift to make more sleeping-room as well as chapel-room.

Q. Now, have you always had religious services there at the institution? A. Ever since I have been there.

Q. Ever since you have been there? A. Yes, sir; unless there has been some Sabbath when the chaplain could not get there.

Q. Has there ever been any limitation as to what denomination should have services there? A. Yes, sir.

Q. What limitation has there been? A. When I first went there there was employed a man for chaplain who was not a resident; he used to come on the Sabbath from Lowell. He was a Baptist man. He had been employed there a year. I believe that was the beginning; but perhaps not; I don't know; and Father Coggin of Tewksbury served awhile; then the Rev. Mr. Burt of Lowell; then we had a man who was a graduate of Waterville College who took charge of the school and performed the service of chaplain.

Q. Munser? A. No, sir; he was a Lowell man. This man's name was Foster.

Gov. BUTLER. Munser was on the board of trustees.

The WITNESS. He was a graduate of Waterville College and he stayed there till the children were transferred to Monson; he went to Monson afterwards in the same capacity. By reason of ill-health of himself and his wife he left, and a gentleman from Billerica by the name of Patten came there. Then the system was broken up, because the children were taken away and there was no school, and since then we have had different clergymen from the town and from the vicinity.

Q. What regulation, if any, have you had with regard to the clergymen who attend service there? We have had for the last two years, we have had the two clergymen of the town, whoever they might happen to be, and, sometimes, we have had them from Lowell, and, sometimes, from Billerica. We now have, and have had for quite a while, a Baptist clergyman, an Episcopal clergyman and a Catholic clergyman.

Q. Father Gigault? A. Father Gigault.

Q. He has been there about seven years, I think? A. I should think fully that.

Q. What Catholic clergyman was there before Father Gigault? A. We have had quite a number. I think his immediate predecessor was Father Buckle. And I think Father Buckle held the first Catholic service that was held in the institution.

Q. When was that? A. That must be ten or a dozen years ago.

Q. There has been no limitation except those imposed as a matter of convenience for a series of years, has there? A. No, sir.

Gov. BUTLER. About fourteen years ago they began to go, whoever would come.

Mr. BROWN. Yes, sir.

Q. Now, I want you, Captain, to tell me whether there has ever been anybody buried from that institution, or any person died in that institution, old or young, within your knowledge, who has not had funeral services? A. There has been a great many, sir.

Q. Well, under what circumstances? A. Well, we didn't use to have any funeral services.

Q. Didn't use to have any? A. No, sir.

Q. Why not? A. I don't know, sir.

Q. How many years has it been since they began to have funeral services? A. Well, I should think somewhere about —

I cannot say absolutely certain, but I should think about ten years.

Q. About ten years? A. Yes, sir.

Q. Now, then, within ten years has there been any death at the institution where there has not been funeral service? A. There may have been. We have not always been able to get clergymen.

Q. Not always able to get clergymen? A. No, sir.

Q. Well, for instance, Father Gigault — A. Father Gigault has always come whenever any of the Catholic faith have been buried.

Q. Well, has there been any person of the Catholic faith, within your knowledge, who has died at the institution, who has not had funeral service? A. Those that friends have taken away. Our rule is to take them, as soon as they are laid out and put into a coffin, to take them to the chapel. That used to be the rule. Now, I believe they do it a little different, and send for Father Gigault when there is anybody. If we know they are going to take them away we are not particular, because they can take care of that. We have had two this week. That Honora O'Connor, the woman that there has been so much talk about, who had all the flowers and the good things, she is dead.

Q. Is Honora dead? A. Honora died. They took her away to Lowell to bury her, and the service was performed as Father Gigault said it would be. Then we had a man who has been a sort of a sexton at the chapel, and done something at the funerals, that died, and his friends came and took him away before the priest came. In such cases as those, of course, it has not been done there.

Q. But with the exception of those cases? A. Yes, sir.

Q. There has always been funeral services? A. As far as I know.

Q. That has been your intention? A. Yes, sir. Well, Father Gigault has always come; we always telegraph him or telephone him, and he has always been.

Q. Have you ever attended any of those funeral services? A. Occasionally I have; not very often.

Q. How frequently? A. Not very often; I could not. I have attended with Father Gigault, and I have attended with others. I have attended with Dr. Edson, occasionally, from Lowell, an Episcopalian. I don't pretend to go.

Q. Now I notice that on page 12 of the report for 1867 you used this language : —

“The change in our population alluded to, is due to the method of classification adopted by the board of state charities, and put in force somewhat over one year ago. Under this, 261 persons of vicious or doubtful character have been removed to the State Workhouse at Bridgewater, under sentences ranging from six months to three years; 179 children, including a few adults, — mostly the mothers of the children, — have been transferred to the State Primary School at Monson, that the latter might receive a course of instruction before being placed in suitable homes; and three unruly insane have been transferred to Taunton or Worcester. In return we have received from Bridgewater and Monson 223 inmates, nearly every one of whom were defective in mind or body; in fact, the pitiable survivors of all the imbecility and misery which had for many years accumulated in those institutions; and from the three State lunatic hospitals 71 patients pronounced fitting subjects for our asylum, as being harmless and incurable.”

The WITNESS. Rather complimentary, was it not?

Q. Do you recollect that special passage of the report when that change was made? A. Yes, sir.

Q. Was that a fair statement of what was then going on in the change of character in the population of your institution?

A. I never should have made it if I hadn't believed it to have been so.

Q. Now I notice that you use this language on the same page : —

“It will be seen at once that our permanent number must be considerably larger, while in any business panic or sudden emergency, we might be put to great inconvenience by the incoming crowd. To obviate this possible risk, to effect the classification as promptly as possible, and also to cause the immediate removal of those belonging elsewhere than in Massachusetts, the board of charities has stationed at Tewksbury one of its examining officers, who investigates and reports thereon to his superiors each case as it arrives.”

Who was the man who did that work? A. I think — let me see — at that time I think it must have been Col. Tripp.

Q. Col. Tripp? A. I think so.

Q. The same man who has been doing it the last year? A. No, sir; Mr. Farley has been doing it for a year. Col. Tripp has done some of it.

Q. Col. Tripp has been continually there, more or less? A. No, sir. Col. Tripp's office is in this building. Since the 28th of April he has been a sort of policeman, or something; I don't know hardly what.

Gov. BUTLER. The board of health, lunacy and charity call him their agent in charge of the institution.

The WITNESS. Well, something, whatever it is.

Q. Captain, from what cause did you attribute the increased average cost per inmate from 1862 to 1867? A. Better living.

Gov. BUTLER. You mean to what.

Mr. BROWN. To what?

The WITNESS. Better living; that is one cause.

Q. Any other cause? A. Yes, sir; higher prices.

Q. I notice on page 13 of this report you say:—

“One year's support of those transferred from the lunatic hospitals, would cost the State at those institutions \$182.50 each, while here it does not exceed \$91 for each.”

And in 1858 you speak of it as being \$52 each? A. Yes, sir.

Q. What was the occasion of the increase from \$52 to \$91, from 1858 to 1867. Give us all the causes that you can think of? A. I don't know as I can do that, sir.

Q. You lived better? A. Yes, sir; I said that; didn't you understand me?

Q. I understood that there was another cause? A. Well, I think the rise in prices; everybody knows there was a rise in prices.

Q. A rise in prices; anything else? A. We had to have more officers employed.

Q. More officers employed? In 1862 you had twenty-two, and in 1882 you had fifty-three? A. Yes, sir.

Q. Do you recollect what the number was in 1867? A. I do not.

Q. But you do recollect that there has been a steady increase? A. Yes, sir.

Gov. BUTLER. You can tell by the number; the number is right there.

The WITNESS. You can tell by the number on the first page but one.

Gov. BUTLER. Will you give us the number, Mr. Brown? It is on the first page, or the first page but one.

Mr. BROWN. I don't seem to see it.

Gov. BUTLER. Of the superintendent's report.

[The witness pointed out the page of the report containing the names of the employees.]

Mr. BROWN. Twenty-eight. I see that in 1867 there were twenty-eight employees outside of the inspectors.

Gov. BUTLER. Outside of the three inspectors?

Mr. BROWN. Four.

Gov. BUTLER. One of them was only an inspector for sixteen dollars worth.

Q. (By Mr. BROWN.) Did this have anything to do with it—the change in the character of the inmates, having a less number of people who were able to render any service? A. Oh, yes, sir, of course; we had largely to do without them.

Q. Was there any other cause which you have not named which you think contributed to the increased cost per inmate from \$52 in 1858 to \$91 in 1867? A. I cannot think of anything only the rise in prices and better quality of goods.

Q. No tea nor coffee was used among the inmates in 1858, was there? A. I guess there must have been tea; there was not any coffee. I think we have always used tea.

Q. A very small quantity, was it not? A. Well, only fair black tea.

Q. Do you know on whose recommendation these different articles of diet were added to the list from year to year as time went on? A. Well, my impression is that I have generally suggested them, until, more recently, some one higher in authority took hold of the matter.

Gov. BUTLER. How recently do you mean? Leave out everything since the investigation commenced.

Q. You mean up to the time when the investigation commenced? A. Yes, sir. I think that generally the suggestion was made by myself to the board, to my own board of trustees or inspectors, whatever they might be. We have found by experience that a little better grade of goods was more profitable than the cheaper grades, particularly in the matter of flour for bread. We had always used grain—used to buy grain by the bushel, and burn it there, and use it to make coffee of; such as rye and barley, or wheat.

Gov. BUTLER. Have you any objection, Mr. Brown, to Mr. Marsh's saying when this buying of grain, rye and barley, and using it for coffee—when that change was made?

Mr. BROWN. Oh, no; go on, Captain, and tell us when it was.

The WITNESS. I don't know as I could tell you, but I could tell by reference to our bills for groceries. I don't carry these things in my mind, and don't pretend to.

Q. Do you mean that prior to the time when you began to buy coffee you used grain; had it roasted and ground as a substitute for coffee? A. Yes, sir.

Q. All the time? A. All the time.

Mr. BROWN. Then the reports will show the rest.

The WITNESS. They always used to use it in the other institutions.

Gov. BUTLER. Well, never mind about the other institutions; we are not into them now.

Q. I notice that in 1868 there was a difference of opinion among the authorities as to whether the inmates should eat pork? A. Who were the authorities, sir?

Gov. BUTLER. I didn't hear.

The WITNESS. I asked who the authorities referred to were.

Gov. BUTLER. I should have asked it if you hadn't.

Q. What did this language mean:—

“In closing my report I desire to refer to a remarkable document (House No. 402, of the last session of the legislature, pages 8 and 9), where an imagined description is given of the inspectors' visit to the almshouse.”

What does that mean? A. That was a report made to the legislature by Mr. Adams.

Q. What Adams? A. I am not sure whether it was Charles or John.

Q. (By Gov. BUTLER.) John Quincy or Charles Francis? A. Yes, sir; I mean the young men, sir.

Q. (By Mr. BROWN.) Was that the man who said that pork was not fit for a Christian to eat? A. I should think that must have been Dr. Howe; it sounds to me very much like him. Don't I say something about inviting him to come and see them eat pork and cabbage?

Mr. BROWN. [Reading.]

“I shall, however, hope to win his favor by removing it”—that is, the piggery—farther away from the main buildings, and then inviting my good friend, some day, to witness the *infidels* as they partake of one of their favorite dishes, boiled *pork* and *cabbage*.”

The WITNESS. That is Dr. Howe who is referred to there.

The CHAIRMAN. What year is that, Mr. Brown?

Mr. BROWN. 1868.

Gov. BUTLER. I find, in 1867, 390 pounds of coffee.

The WITNESS. Yes, sir. When we first began to use coffee we began by using prepared coffee.

Q. (By Gov. BUTLER.) By prepared coffee you mean the kind put up as coffee essence. A. No, sir; I mean probably a preparation of coffee with some grain.

Gov. BUTLER. Some of that that the state assayer assayed and didn't find any coffee in.

Q. (By Mr. BROWN.) In your report for 1869, on page 10, I notice you use this language:—

“We have had preaching nearly every Sabbath, and the different clergymen of the vicinity, from most of the denominations, have been invited. Their labors have been very satisfactory and interesting, and I hope not without some profit. The Catholic clergy have also made their weekly visits, and so far as I can learn, have been kindly received. Their ministrations appear to have given much satisfaction.”

Is that the period which you refer to, when you commenced to have regular services? A. I should think you would find in the next report where we began to hold our regular service.

Gov. BUTLER. It will tell you in a moment, if you will just look at the expenditure under the head of chaplain. That will tell you. That is, not when the chaplain was hired by the year, but when the expenditure would come up to about \$250.

The WITNESS. About five dollars a Sabbath.

Gov. BUTLER. That was in 1867; so it shows they had five dollars a Sabbath. They didn't have it quite every Sabbath, because, for some reason, he didn't get there, I suppose.

Q. (By Mr. BROWN.) I want to know, captain, what was the occasion of your using this language, on page 9 of the report for 1870:—

“I wish to repeat once more the ‘oft told story’ of our wants, and I would that I could intensify my words proportionately to the necessities of the case, and yet I suppose my duty will be done when I have stated them. We need new hospital accommodations. I believe that upon this subject all who have anything to do with the care or oversight of the institution are agreed. Another want is more barn room. The class of inmates which we now have require

more milk than we have heretofore used ; we must keep more cows, and as we shall have an increase in our crops from our newly purchased land, it is important that we have room for storing them."

And so on. What was the occasion of that language? What specific thing did you refer to? There is something that you still was in need of? A. A new brick hospital, I suppose.

Q. That is, the other half? A. No, sir ; I mean the hospital.

Gov. BUTLER. That is the long building.

Q. Now, prior to that, what had you for a hospital? A. Well, sir, when I first went there, there were two long rooms on the second floor on either side, in the wings of the building, running out from the main building. On one side were the women, on the other side were the men. The sick and all the diseased and all the deaths were occurring right there among the well persons. Then they got moved out into these two old buildings which now make a part of the women's building, and there they were crowded and it was unsuitable.

Q. (By Gov. BUTLER.) That state of things went on from 1858 to 1868? A. Yes, sir.

Q. And then you got a new hospital building? A. Yes, sir.

Q. (By Mr. BROWN.) Now, I want to know what was the occasion for your using this language on page 13 of your report of 1871?

Gov. BUTLER. Do you skip?

Mr. BROWN. No ; the last was 1870. — Under the title, "The Wants of the Institution." [Reading.]

"As the time is approaching when you must submit to the legislature an estimate of our expenses for the ensuing year, I deem it proper to call your attention to certain alterations and improvements, the cost of which may perhaps be properly defrayed from the regular appropriation."

"It seems essential to health and cleanliness that a large portion of the plastering in the lodging-rooms of the inmates should be removed and renewed ; that provision should be made for new flooring in sundry parts of the main building ; that doors and their appurtenances should be repaired while yet it can be done at small cost ; that the attic floor should be removed, that the dormitories beneath, now only seven feet in the clear, may be open to the roof, thus securing to each occupant a sufficient number of cubic feet of air and ample ventilation ; and, especially, that water-closets should be provided

on each floor, in either wing of the building, for the comfort of the aged and infirm, who will hereafter occupy the premises, and also in the building for the insane. Public opinion seems to demand this change, which is now rendered practicable by the additional room and better classification assured by the new hospital."

"There are other needs resulting from our material prosperity, which, when supplied, will enhance it the more. Increasing crops demand more barn room for their preservation," —

The WITNESS. There is the barn again.

Mr. BROWN. [Reading.]

— "and a new piggery is imperatively demanded, that we may be able to utilize the refuse occasioned by the coming addition of one hundred and fifty insane persons to our number"

Q. What was the occasion of all that?

Gov. BUTLER. Why, he has told you, hasn't he? Barn and piggery.

Mr. BROWN. I know, as far as the barn and piggery are concerned.

Gov. BUTLER. That is all.

The WITNESS. I can only speak in reference to the house generally. The floors, when they were first built, were very poorly laid and had got worn out, and there needed to be new flooring; and that they had been used so long and so much for hospital room for the sick, the plastering was so poor I thought it would be well to plaster them. I got the new floors, but didn't get the new plastering. The upper rooms alluded to—the upper floor was taken out, and you will see it now as you go around, a place cut through the flooring and finished out, which carries the ventilating space clear up to the ridge-pole.

Q. Now, I notice in the report of 1872 you use this language, on page 8:—

"During the past year the new hospital for the sick has been completed and was occupied March 1st."

That refers to the new hospital near the gate, don't it? A. Yes, sir.

Q. Now, Captain, what was the occasion for the use of this language on page 10 of the report of 1873:—

"I wish to call your attention to a matter which I deem of some importance, and which I have long felt to be an evil. Whenever, as it frequently occurs, parents of intemperate habits are found upon

the streets or elsewhere intoxicated, they are taken before a police court or magistrate and sentenced for a longer or a shorter term, and as a consequence the unoffending children are consigned to the almshouse, and it sometimes happens that families thus broken up are never united again. It is not clearly seen how those and other kindred *philanthropic* proceedings subserve the cause of temperance or of good morals. In this connection I would say that, during the past year it has often happened that persons have been sent here in irons who have been confined in station-houses and lock-ups when intoxicated, and who, on their arrival here, passed through the various stages of *delirium tremens*. If this state of things is to continue I think a suitable place should be provided where they may be properly restrained until they have recovered."

Did you have any place where you could put persons with *delirium tremens*, up to that time? A. No, sir.

Q. Why not? A. We didn't have it; I don't know why not.

Q. Had you been having cases of that kind all the time?

A. Yes, sir; we always have had them; I don't know why it is. If a person is arrested, or put into a city lock-up, and they come out with the *delirium tremens*, they won't take them to court. If they get sober and get quiet, they will sentence him to Deer Island; if he has the *delirium tremens*, they send him to us. I have sent away two or three cases this summer; they were perfectly insane, — perfectly wild, — and I would not take them.

Gov. BUTLER. Leave out this summer.

The WITNESS. What, sir?

Gov. BUTLER. Leave out this summer.

The WITNESS. I will, sir. You will excuse me; I won't do it again.

Q. (By Mr. BROWN.) You haven't noticed any increase this summer?

Gov. BUTLER. Or decrease, I suppose. But, you see, we can tell instantly, exactly how many there were.

Q. (By Mr. BROWN.) Now, Mr. Marsh, I want to call your attention to this language in your report of 1874. Speaking of the period of time during which the institution has been in existence, you say: —

"During this period of twenty-one years, through the action of the legislature, the purposes of this institution have been materially changed, and a corresponding difference in the character of its inmates has necessarily resulted."

Those are the changes and the results which you have previously described? A. Yes, sir.

Gov. BUTLER. Before you pass from the report for 1873, I want to say that the number of cases of delirium tremens, the total number that year, was five, all of whom were men.

Q. (By Mr. BROWN.) Then you go on:—

“The crowds of robust men and women, who furnished an excess of labor, especially in the season when it was not required, have entirely disappeared.”

Do you recollect that change from 1862 to 1874? A. I don't remember particularly about it.

Q. You know that was a fact? A. Yes, sir.

Gov. BUTLER. Then, if they had gone, they didn't eat.

Q. Now, do you recollect this, on page 10 of the same report:—

“The hundreds of healthy children, who formed nearly half of our number, have been provided for elsewhere.”

“The productive power has been almost withdrawn from us, while a most expensive class of consumers has been added.”

Do you recollect that change in the condition of things? A. I presume that was when the school was broken up, and the children were taken from us.

Q. “In fact, this institution can hardly be longer called a poorhouse, in the ordinary sense of that term, but rather a combination of an asylum for the demented, an infirmary for the sick, and a nursery for doomed and dying foundlings.” What was the occasion of your using that language? A. Well, which part of it; the first or the last part?

Gov. BUTLER. Is that in the report for 1874?

Mr. BROWN. The report of 1874, page 10.

The WITNESS. I suppose it refers to these ladies from Char-don Street Home, — the sending of these infants, these foundlings, there to die.

Gov. BUTLER. They had been sent there for a good many years. Give me the report for 1873. I have it. Let us see how many of these children were sent. [Referring to the report.] Three died of cholera infantum, not a crowd.

Q. (By Mr. BROWN.) Now, you say further, —

"Hence any comparison of its present with its earliest past is not only incongruous, but eminently unjust. The elements are quite dissimilar, — as to production and expenditure, to hygiene and mortality, and to the discipline and morals of its inmates. Its census shows that forty per cent. are patients deemed by experts to be hopelessly insane; that fifteen per cent., besides the foregoing, are hospital patients; and that twelve per cent. more are foundlings, or children under four, making in these classes of defectives or dependants sixty-seven per cent. of the entire population, while nearly all the remaining thirty-three per cent. are incapacitated by age, or some infirmity of mind or body."

Q. Where did you get that information? A. I must have got it there.

Q. Was it true? A. I should not have written it if it hadn't been.

Q. And had there been that change from 1858, through the sixties and on to 1874 in the character of the inmates of this institution? A. There had been.

Gov. BUTLER. And that limited its productiveness.

Mr. BROWN. And increased its expense.

"From these feeble and nerveless frames, what remunerative capacity can be expected? From these decaying bodies and extinguished minds, who can hope for agreeable emanations, or look for incitements to cleanliness? The clean cannot be brought out from the unclean; wherever these parties go, an atmosphere of impurity surrounds them. In the best appointed hospital, in the almshouse, in the private dwelling, in the cars and even in the street, they have ever present with them the recognizable and nauseous evidence of their own decay. Daily and hourly toil on the part of the attendants will not entirely remove it, for its generation is more unremitting than any human care can possibly be. We can abate, but we cannot eradicate it."

Q. Was that a correct statement of the difficulties attending the care of these people at that time? A. I believed it, sir.

Q. (By Gov. BUTLER.) And continued to be, I suppose? A. Yes, sir.

Q. (By Mr. BROWN.) Now this language, Captain. —

"For these hundreds of worn-out beings who come here to die, emaciated, paralytic, consumptive, syphilitic, laden with all the ills that flesh is heir to, who can expect exemption from the decree of nature, or even to protract for any considerable time the hour that must inevitably come to all?"

And so on. Now, on the 11th page, I want to ask you what you meant by this language. After speaking of the sanitary condition and the mortality, you say that any lack of success is not due to indifference or apathy. — or perhaps I had better read the whole paragraph. [Reading.]

“I have made these remarks, gentlemen, because severe strictures have been uttered upon the sanitary condition of this institution and its rate of mortality, which I feel to be eminently unjust, under the circumstances in which we are placed. You have anxiously labored to do all in your power, with the limited means placed at your disposal, to remedy the inevitable and almost incurable evils of which I have spoken; I have earnestly seconded your efforts. Any lack of success is not due to indifference or apathy, but simply to circumstances beyond our control.

“We cannot move without legislation. The State treasury is not at our command. The policy defined for us by our superiors, excellent of its kind, and admirably adapted to the earlier conditions of this institution and its population of that date, has been entirely unsuited to the changed order of things.

“The diet provided for the robust pauper and sturdy tramp is not fit for our great assembly of invalids and insane. The limited means allowed us to procure nurses and medical attendance, have been entirely insufficient for the results expected from us. We have been, and are to-day, destitute of the proper facilities for preparing the food, deemed by competent judges with whom we have advised, necessary for the best interests of our invalids.”

What did you mean by that? A. I think I must have felt pretty keenly on that.

Q. Well, do you mean to say that at that time you meant to call the attention of the public to the fact that the diet of the institution was not what it should be, considering that the people who were there were invalids, many of them?

Gov. BUTLER. He didn't say that. It says the means for preparing the diet.

Mr. BROWN. I beg your pardon: but he speaks of the diet previously.

Gov. BUTLER. All right. It is there. What he writ is there.

Mr. BROWN. He says the diet provided is not fit for the great assembly of invalids and insane.

Gov. BUTLER. Yes, sir; and then he goes on to say —

Mr. BROWN. Then he says they have not the proper facilities for preparing the diet.

Q. Now, I want you to tell me what there was in that diet at that time to which you wanted to call public attention. A. Well, I don't know that I had much thought about the public. I called the attention of the trustees to it, and I thought if through the trustees and the Executive it came to the legislature, our wants might possibly be attended to.

Q. To what lack of facilities for preparing the food did you refer? A. Well, sir, we had to cook in the kettles and things that were originally put into the building. There used to be a fire made underneath them, and the kettles were set in brick. We used to make our coffee in an open kettle, and perhaps the same kettle that we boiled our pork and cabbage in — have it washed out and cleansed as well as we could do it.

Q. And I notice that on the twelfth page you say this : —

“The first necessity is a new hospital kitchen, with proper apparatus for preparing at any notice, or in any emergency, whatever may be ordered for their patients by the attending physicians.”

That was one thing that you needed, was it? A. Yes, sir.

Mr. BROWN. [Reading.]

“*Second.* There has long been a great deficiency of milk, which is so indispensable for the proper nutrition of children and the insane. The quantity produced the past year averages about sixty-five gallons per day, or but little over half a pint to each person on the premises. This amount should at least be doubled.”

Then I notice in the third paragraph, on the 12th and 13th pages, after a period of three years, you use this language again : —

“I beg to call your attention to the necessity of furnishing, at the same time, suitable quarters for cases of delirium tremens, for which there is now no adequate provision.”

Do you mean to say that from 1871 to 1874, when you first called the attention of the legislature to this matter of suitable quarters for cases of delirium tremens —

Gov. BUTLER. He didn't call the attention of the legislature.

Mr. BROWN. I know ; but he says it comes to the legislature.

Gov. BUTLER. He calls it to the attention of the trustees, and then they may or may not ever bring it to the attention of the legislature.

Mr. BROWN. It is evident that in every one of these reports he did call it to the attention of the legislature, because each one of them is called a public document.

The WITNESS. You can see in their report whether they approve it or not.

The CHAIRMAN. His report runs to the trustees.

Mr. BROWN. And the report of the trustees to the governor and council, and they transmit it to the legislature; so it comes to that.

Q. Do you mean to say that from 1871 to 1874 you didn't get those suitable quarters for cases of delirium tremens? A. Haven't got them yet, sir.

Q. Have not. Have you had anything done for you for cases of delirium tremens since 1874? A. No, sir.

Q. Didn't have anything this year? A. No, sir.

The CHAIRMAN. It is one o'clock. Let us try to put in as solid a week as we can.

Gov. BUTLER. How long will you sit on Monday?

The CHAIRMAN. I think until one o'clock. There is no session in either branch until two o'clock.

Adjourned to meet on Monday, June 25, at 9.30 A. M.

FIFTY-FIRST HEARING.

MONDAY, June 25.

The committee met in the Green Room at 9.30 A. M. SENATOR LORING of Worcester in the chair.

THOMAS J. MARSH (*recalled*).

Direct examination resumed by Mr. Brown.

MR. BROWN. I have accidentally mislaid some of my papers and I have sent my young man after them, so I will break in on the order in which I was and take up another topic till he comes back.

Q. Mr. Marsh, when this insane hospital was built, which you indicated on the map, on Saturday,—there is the insane building [referring to plan],—I understand it was built about one-half in the first instance, and then, afterwards, an addition.

A. Yes, sir.

Q. When that half [referring to plan] was built were there individual bath-tubs put in it? A. There was.

Q. How many? A. Four.

Gov. BUTLER. What time was that?

Q. When was that; give us the date as near as you can.

A. I think I said the other day it was about seventeen years ago; that is my impression; sixteen or seventeen years ago.

Q. It was before Mr. Dudley ever became connected with the institution? A. Oh, yes.

Q. And, also, before Mr. Barker? A. Mr. Dudley was never in that part of the building as an attendant; Mr. Barker was there.

Q. Now, when the second part of that building was built—

Gov. BUTLER. Dudley was never in that building.

MR. BROWN. He never was in the first part of it; he was superintendent of the second part.

Q. Now, when the second part was built were individual bath-tubs put in that? A. There was,

Q. And that was before Mr. Dudley ever came to the institution? A. Yes, sir.

Q. And before Mr. Barker or his wife ever came to the institution? A. Yes, sir.

Q. Now, Mr. Dudley, if I recollect correctly, in his testimony states that he came to the institution sometime in November; the seventeenth or eighteenth of November, 1876; was there any system of registering the duties of the night watchman when he went there? A. I think, then, sir, it was not in use. That is, we had previously had watch-clocks, and by taking up some flooring and changing the rooms they had been brought into disuse. Afterwards,—I don't know, I think it must have been during the time he was there,—there was watch—portable watch-clocks, as we call them.

Q. Portable watch-clocks? A. Yes.

Q. And do you know whether he had such a portable watch-clock? A. I can't say certainly.

Q. As night watchman? A. I can't say certainly.

Q. Captain Marsh, when Mr. Dudley went to that institution, did you ever tell him in any form of words, not to see too much? A. Never. I put him there to see all that it was necessary to see, everything.

Q. Did you give him any instruction as to what his duties were? A. I did.

Q. You did? A. Yes.

Q. Will you state what these instructions were? A. Well, substantially—

Q. (By Gov. BUTLER.) Were they in writing? A. There was the regulations, a little book something of that sort. [Book produced by Mr. Brown.]

Q. (By Mr. BROWN.) Do you recollect whether these regulations [referring to book] were in force at that time? A. [Examining book.] 1866,—I am not quite sure, but I think they were. I think there was a new set got out,—it is in a smaller form,—and they were got out, perhaps, about the summer that he left there; that is my recollection.

Q. Well, was there any time while he was there that either these regulations which you have in your hand [referring to book produced], or the smaller book containing the regulations, were not in force? A. No, sir.

Q. And was he furnished with a book containing these

regulations? A. Well, now, about that I would not say certainly; but it was my habit to furnish —

Gov. BUTLER. Leave out your habit, sir.

The WITNESS. They were posted up everywhere, all about the building, in sheets.

Q. In sheets? A. Yes, sir.

Q. Well, was there any posted in any department of the main building which he frequented as night watchman? A. Yes, sir; I think they were put up in all the rooms of the building.

Q. All the rooms of the building? A. Yes, sir; I don't now speak of the insane building; I mean the main, wooden building.

Q. (By Gov. BUTLER.) Do you claim that there are any regulations about night watchmen here? [Referring to book.]

A. I didn't say there was, sir; I simply spoke about that.

Gov. BUTLER. I only want to know.

The WITNESS. Previous to Mr. Dudley's being hired, when he was down in Maine, I wrote a letter to him.

Q. (By Mr. BROWN.) You mean before he came to the hospital? A. Before he came at all, after he had made application for himself and wife for a situation. I had a letter written to him, telling him of a vacancy that was about to occur, and telling him that if he would come I would show him what there was to do; he could see the place, know what the work was, and, then, if it was agreeable, he could have a place.

Q. Now, did he come in answer to that letter? A. He did.

Q. Did you show him what the duties were? A. Why, yes, sir.

Q. Then he served about a year as a night watchman? A. Well, about that I should have to refer to my books, because that has been my habit.

Q. You don't recollect without reference to the books? A. No, sir.

Q. Now, Mr. Marsh, do you recollect the Barron woman? A. Well, I have seen her, sir.

Q. Did you see her while Mr. Dudley had charge of the insane department? A. Well, I think I must; I am not sure, but I think I must.

Q. Have you had any habit in regard to visiting the institution, its different departments? A. Yes, sir.

Q. What has been your habit in that regard? A. My habit was to go at all times. I had no definite, particular time to go, but to go so I could be informed of what I thought I ought to know, — everything that was going on.

Gov. BUTLER. It was his habit not to have any habit.

The WITNESS. Not exactly, sir.

Gov. BUTLER. If I understand it, he used to go when he wanted to.

The WITNESS. What I mean to say, exactly, is this: some men have a habit of going at a specific time; I always thought it was better not to have any definite time, but to go just when I was a mind to.

Q. That is, to go at irregular times? A. Yes, sir.

Q. So to ascertain precisely what was going on? A. That is what I went for.

Q. And you intended not to have the attendants understand that you had a regular time? A. I intended it so.

Q. So that they could not be apprized of your approach? A. Yes, sir.

Q. Well, sir, in your tours of inspection was there any part of that building which you did not examine, or any building connected with the institution? A. I might not examine it every day, but I was through it everywhere, more or less, all the time. I was familiar with it.

Q. Now, for instance, take this insane department, where this Barron woman was, would you be able to say upon your present recollection that you visited her cell at all while she was in it?

Gov. BUTLER. Your recollection!

Mr. BROWN. From your own recollection. A. What say?

Q. Would you be able to say you visited her cell at all while she was there? A. I am.

Q. You are? A. Yes, sir.

Q. Was that cell, Captain Marsh, ever in a filthy condition for any period of time, any length of time, within your knowledge? A. She wasn't always in the one place; she was changed from place to place.

Q. Well, give us the different places where she was? A. Well, she was in that room described to you by your witness on Saturday: she was also in the basement, as that young woman said, strapped upon her seat. We were obliged to strap her, because she could not sit; she would not sit. The fact of it was

the woman in her habits was a beast, and she was violent; she would bite, she would scratch anybody that came near her; she would tear her clothes, or anybody else's.

Q. Do you recollect any other place except the two you have mentioned where she was kept? A. I only remember those two.

Q. Now, sir, if that cell where Mr. Dudley says she was kept, was filthy for any considerable length of time, to whom, in the administration of the affairs of that institution, would the responsibility belong? A. Well, I should think it would be his place to inform me such was the condition.

Q. Did he ever so inform you? A. Not to my recollection.

Q. Did he ever inform you that she lacked proper care as to cleanliness of her person, or of her cell, or that she did not have proper food?

Gov. BUTLER. It would not be his duty as night watchman.

Mr. BROWN. He didn't tell anything about her while he was night watchman.

Gov. BUTLER. Let us understand. His testimony is,—whether it is believed or not is another question,—that as soon as he got there he cleaned it out, and therefore there was nothing to inform; both he and his wife so testify.

Mr. BROWN. Oh, yes; he said that when he took charge of the Barron woman he cleaned out the cell, and that he took her out of the cell; now, I have shown she was in the cell four months after he went there.

Gov. BUTLER. That depends.

Mr. BROWN. I guess we won't have any difficulty about that.

Q. At any time while Mr. Dudley was connected with the institution, did he make any complaint to you that the Barron woman was not properly cared for, either in respect to cleanliness of her person or her cell, or in respect to the quality of her food?

Gov. BUTLER. I object to the question, if it is to be put in that form, for this reason, Mr. Chairman: of course, it is only competent to contradict Mr. Dudley; but he don't claim that he ever did. If his testimony is taken at all, it must be taken as he gives it, which was that he took her out and made her comfortable, and there was no complaint to make, and that he did his duty. Now, to show that he didn't complain, is not ger-

mane to any matter here. Why should he make a complaint, if his testimony is true : and if it is not true, how does it contradict him?

MR. BROWN. Why, Mr. Chairman, Mr. Dudley says that when he went there this woman was in this cell : that she was in this filthy condition, and that her cell was in this filthy condition, and that she was emaciated in the way in which he described. Now, it does appear that there was a time while Mr. Dudley was there when she was in this condition, because the cleansing of the cell and the cleansing of the woman was not a thing that was done instantaneously. Now, if that condition of things existed for a period of fifteen minutes, and it reflected upon the conduct either of himself or any subordinate, or of any of his predecessors in that department, it was his duty to have reported it to Captain Marsh.

GOV. BUTLER. Was it?

MR. BROWN. It certainly was. It was, whether there was any rule or regulation of that department or not. The common dictates of humanity should have prompted him, unless he was a villain, as I suspect he is.

GOV. BUTLER. Oh, yes ; abuse him now a while.

MR. BROWN. Unless he was a villain the common dictates of humanity would have led him to go to Captain Marsh and say. "Here is a woman that I have just taken charge of in this department, and the indications are that she has not been cared for as she should be." And the chairman will recollect that it was only the chief attendant, Mr. French, who left ; the subordinates didn't leave. So that there was still under Mr. Dudley the very persons who had been in part responsible for this condition of things. Mr. French was the only one who had left. Now, I say that if in any way, shape or manner, there was anything there that was wrong for five minutes, he should have reported it, and he never did. And the fact that he never did, together with the other evidence which I have produced and which I shall produce, I intend to argue, show that Mr. Dudley is a most deliberate liar. He came here under, as I am informed, a promise that if he succeeded well, he should have the superintendency of some almshouse.

GOV. BUTLER. I can only say, sir, to that last fling, that Mr. Dudley, so far as I know, had no promise of anything from anybody. Certainly it could not have been me, for I have not the appointment of a single almshouse keeper in the State ; and,

if it was by any of the board of state charities that have the power, or any of the trustees that have the power, I don't know it; and the insinuation is as false, as, — well, I don't think of any word of characterization that is equal to the occasion. Now, then, let us see what Mr. Dudley says. He said that he came in the place of one French, who was discharged, who had this woman in charge. The subordinates were to do nothing, of course, except what they were told to do and directed to do; they were not responsible for anything; he was responsible, — French was responsible. French had been discharged. He says as soon as he got there he made an inspection, and found this woman. What did he do? He says he took her out, cleaned her, could not account for her emaciated condition, watched the idiot girl, and found that she turned the food that was sent to this woman into the water-closet; that he immediately took pains, then, to see that she got it, and for a time did it himself; and that he immediately put her in good condition. Now, if you can conceive any duty of his to make any complaint to anybody, that being true, I cannot. Why should he complain of a man that had been already discharged and gone? What advantage was there in complaining of him? He was done and ended. He might just as well complained of the emptiness of a last year's robin's nest. Now, the question which is wanted to be put here, in order to affect his credibility, is: did he complain? He wasn't asked if he complained, so it won't affect his credibility upon that. There was no duty to complain; his duty was to remedy; and, if he tells the truth, he did remedy. I agree wholly with the counsel, that he and his wife are two of the most deliberate liars I ever met, if this story is not correct; and you have got to deal with the difference between this and this young member of the harem who is brought here; and that will be settled one of these days, when we come to it. But we are not balancing testimony, now. We are upon whether this tends to contradict Mr. Dudley, — that he didn't complain. I submit to you as a judge, whether this does contradict him at all.

THE CHAIRMAN. Governor, here is this testimony, page 113: "Did you make any complaint in regard to the condition of this cell where this woman, Mrs. Barron, was kept, except what you have said in your direct examination?" "Yes." "To whom?" "To Dr. Lathrop, and to Capt. Marsh afterwards." Now, the word complaint, — I don't know that we stand upon that, — if

he makes a report or complaint of the condition, — I would call your attention to that testimony.

Gov. BUTLER. Precisely; I am content to take it. He might have reported it: I don't know whether he did or he didn't, — he says he did, — but he had no duty to complain of it. He says he reported to Dr. Lathrop, and Dr. Lathrop was the proper person to report it to; and he says he reported it to Captain Marsh. Captain Marsh had no special charge. The special charge of this insane department should have been and is by statute, under Dr. Lathrop, and Dr. Lathrop has been upon the stand and he has not denied that the matter was reported to him. Has he? Won't you look and see the record, if you have any doubt upon that?

Mr. BROWN. He has not read that; he says no such thing ever existed.

Gov. BUTLER. Pardon me; he don't say the cell wasn't dirty. But we are now upon the question whether this contradicts the question asked of him. When some other question is asked I may not have any objection to it. And it is put wholly on the ground that it was his duty to complain. Now, I insist that it was not his duty to complain. It was very natural he should have spoken of it, very natural he should have reported it, but it would have done no earthly good to complain. He remedied it, as he says.

The WITNESS. Mr. Chairman, perhaps I might as well correct an error that has been made. There were two Mr. Frenches there and their wives. The Mr. French who had the charge of this part where Mr. Dudley went, had died; he had not been discharged. He died there in August.

Mr. BROWN. So that Mr. Dudley never was escorted around the building by Mr. French and instructed how to take care of the insane department, was he?

Gov. BUTLER. We will see about that when we come to it; we will look at the books. We won't now get off the question; we will have that decided and then we will come to that. That, I should think, would be a much more material matter, and that we can tell by these books, easily.

The CHAIRMAN. The pending question may call for a vote of the committee, and I suppose the counsel notice we are short of a quorum.

Mr. BROWN. Mr. Chairman, in order to avoid any complica-

tion, I will withdraw the question, because I see there is not a quorum present.

The CHAIRMAN. For the present, at least.

Gov. BUTLER. I am not going to raise any question of quorum, sir. I have gone on with many investigations without a quorum.

The CHAIRMAN. Then we will settle the question.

Mr. BROWN. If the question is not to be raised I am willing it should be settled. I will withdraw the question.

The CHAIRMAN. Proceed, then.

Q. Captain, when was the first time you ever heard this story about the condition of the Barron woman? A. Well, I don't think I could state that positively.

Q. About? A. She was brought there —

Q. No; I mean in regard to her ill-usage.

Gov. BUTLER. Her emaciated condition.

Mr. BROWN. Her emaciated condition, and all that sort of thing, as testified to by Mr. Dudley; when did you ever hear of that for the first time? A. I saw the woman when she came.

Q. What I mean is, when did you ever hear the story of Mr. Dudley about her treatment and her condition, if at all? A. I heard it here.

Q. Never heard it before? A. Not to my knowledge.

Q. Did you ever hear that she had been any way neglected before you heard it here? A. No, sir.

Q. Did you ever hear that her attendants, this girl that is said to be idiotic or demented, was not sufficient and all that was necessary for her? A. There had been no complaint about it, sir. The first intimation that I got was here.

Q. Here. Now, Captain, I want to ask you if you have read the testimony of Mr. John H. Chase? A. Yes, sir.

Q. Did you ever hear, or ever know, that any body of any person who died at that almshouse had been sold, before you read his testimony?

Gov. BUTLER. Been what?

Mr. BROWN. Been sold.

Gov. BUTLER. I don't know as I object.

Mr. BROWN. Go on.

A. Does he in his testimony say it was sold?

Q. Well, that has been claimed. A. I know there never was any sold, if that will answer.

Q. You know there never was any sold? A. Yes, sir.

Q. Under the statute, state what you understood your duty to be in relation to the disposition of the bodies of the dead for anatomical purposes?

Gov. BUTLER. I must object to that, — not what he considered his duty to be, but what he did. I shan't object to that.

Mr. BROWN. Well, we will come to what he did afterward. I take it that this is a question of good faith. This man was charged with corrupt practices and corrupt motives, and I take it this is a question of good faith. If he understood in good faith that the trustees or he alone had the right to dispose of bodies of persons who died at the institution, and were to be buried at the public expense, and make such arrangement for their disposition as he saw fit, I want to know what he understood his duty to be, and, then, we will see whether he did it or not.

Gov. BUTLER. The difficulty, Mr. Chairman, is that you are investigating what was done, and not the motives of those who did it. You may correct what is done in the future, but you can't correct the motive in the future, nor you can't correct the motives in the past. You are here to investigate about the management of the Tewksbury almshouse; you are not here to investigate the motives of those who did it. That is of no consequence. You can neither acquit them nor convict them. All you can say is, you can inform the legislature that such things have been done and state exactly what you find has been done; and then it is for the legislature to apply the remedy, if there is any to be applied, or omit to apply the remedy. The way to test it, sir, would be this: suppose, in the utmost good faith, Mr. Marsh didn't sell the bodies, but only sold the transportation. If that is a good thing to do, and if that is according to the law, why, there is the end of it. If it is either not according to the law, or the law wants changing, to prevent what was done being done again, why, then, you will so report, and report such changes as in your judgment will make this thing proper. The difficulty in the conduct of the investigation on the part of the defence has been an inquiry into the motive. They have asked whether such a thing has been done in good faith more than once before. It is of no consequence in what sort of faith it was done. What you want to find out is what was done, and report to the legislature that that is the thing that ought to be done or ought not to be done, and what legislation is necessary

to prevent it. For instance, for an example, suppose that in the utmost good faith it was thought best to supply these paupers with loaf-sugar at a very large expense. It is of no consequence whether that was done in good faith or not, to you or to me ; but it is of consequence to the public treasury whether this is a thing which ought to be done to this class of people. And, if we eliminate the motives, we shall get along faster, certainly, and they are wholly immaterial. And therefore I am content that everything that was done shall be proven ; but I am not content to spend the time of the Commonwealth and the legislature and my own time in investigating into the motives with which they were done. The motives are of no consequence, especially now, when, through the wisdom or unwisdom of the board of charities, the personnel of that institution has changed. We might have, possibly, looked into that, to see whether we wanted to recommend that the personnel be changed, but I don't think that is any — I daresn't say any of your business, because somebody will say that that isn't proper language to use ; but I mean just that ; I mean something with which you have no concern. It is the executive that is concerned with that, in its various branches, as to whether there ought to be a change in the personnel. What your inquiry is, is to ascertain what has been done, and then to report to the legislature any legislation needed to so guard the institution that that shan't be done again. If you find that nothing has been done wrong, why, then, there is the end of it ; there is nothing more to be done by legislation. If wrong has been done with the purest motive, there ought to be legislation to correct it. If no wrong has been done, with the worst possible motive, then there is no occasion for legislation to correct what has not been done wrong.

Mr. Brown. Mr. Chairman, I want to call your attention to section one of this statute. It says: "The overseers of the poor of a town, the mayor and aldermen of a city and the trustees and superintendent of the state almshouse may, to any physician or surgeon, upon his request, give permission to take the bodies of such persons dying in such town, city or almshouse as are required to be buried at the public expense, to be by him used within the State for the advancement of anatomical science, preference being given to medical schools established by law, for their use in the instruction of students." Now, that does not say whether the trustees and superintendent of the almshouse have a right to sell those bodies, whether they shall

be delivered to the charge of the institution or person receiving them, whether they shall be delivered at the charge of the state almshouse; and it does not even say that if any funds are received for that purpose they shall be accounted for; and there isn't any syllable on the statute book, that I know of, that makes these parties responsible for the accounting for a single mill which they shall receive, in any way, shape or manner, for these bodies. Now, the fact was that these bodies were delivered, and the institution or person who received them paid simply enough to cover the absolute expenses of the transportation and handling. That is what the fact was. Now, these people are charged with corrupt motives; and I am very glad to know, now, because it may be useful hereafter, that His Excellency don't make any distinction between good faith and bad faith. In most civilized countries a distinction is made among men between good faith and bad faith.

Gov. BUTLER. I have not said any such thing.

Mr. BROWN. And it is refreshing to know exactly what his position is.

Gov. BUTLER. I haven't said that, you know.

Mr. BROWN. If I remember correctly, it was said and repeated that in this investigation it made no difference whether these parties acted in good faith or in bad faith. I conceive that it does make a difference. I think that the committee will be influenced very considerably by the consideration as to whether in your judgment these people did act in good faith or in bad faith. Now, that statute is the most indefinite statute that I have had the opportunity of consulting for a great many years. That is the statute which, in substance, was enacted in 1830. It continued on the statute books till 1846. In 1846, if that is the year, and I think it is, it was altered, changed, and, then, subsequently, it was re-enacted and embodied in the Public Statutes of 1882.

Gov. BUTLER. Changed once more.

Mr. BROWN. Changed after 1846 back again, and then embodied in the Public Statutes of 1882.

Gov. BUTLER. No; '79, chapter 271.

Mr. BROWN. They asked for other legislation in 1879, and there is not a member of this committee but who recollects the discussion that took place at that time; and, if I remember correctly, the bill was vetoed by the late Gov. Talbot.

Gov. BUTLER. No doubt about that.

Mr. BROWN. So that it is perfectly evident that for over fifty years the people of this Commonwealth have settled right down on that provision of statute. Whether it is wise or unwise we won't, as His Excellency says, consider: it is none of our business; but that has been the statute, in substance, since 1840—1830. Now with such a general statute, with such general provisions, allowing almost anything to be done, even allowing the sale, if you want to call it a sale, a delivery for money, which, under that statute, could be had without violating even the spirit of it, I want to know what these people thought they had the right to do. In other words, how did you interpret that statute, because the obligation was on you to interpret it? The obligation was on Captain Marsh to interpret that statute, and his trustees. Now, how did you interpret it? And, then, I am coming to what you did.

The CHAIRMAN. It seems to me it isn't usual to ask a man how he understands a statute. The best possible interpretation of it, so far as he is concerned, is what he did. I suppose we are to assume, in the first place, that everybody does their duty, that everybody performs his duty in good faith. It seems to me it is not a proper question.

Mr. BROWN. Then I will withdraw it, and I will ask the next one.

The CHAIRMAN. If you want a vote of the committee, of course you can have it.

Gov. BUTLER. I desire —

Mr. BROWN. No question before the committee.

Gov. BUTLER. Isn't there? Well, I think we shall have this question of the statute before the committee. It is said here that this statute permits bodies to be given in gross to colleges, carted off or to medical colleges, carted off in gross; and that the people of this Commonwealth have settled down under that.

The CHAIRMAN. Governor, I suppose there will be a struggle over the meaning of the law; perhaps we had better postpone the discussion, unless there is some particular point.

Gov. BUTLER. The only difficulty is that I want to rescue the good name of this State from the reproach that we have ever settled down under any such statute.

Mr. BROWN. You want to get to the country.

The CHAIRMAN. It goes on to the record, then, that you disagree with Mr. Brown in his construction of the statute.

Gov. BUTLER. I disagree with him entirely; it isn't upon

the construction of the statute. It was only a very late performance that this almshouse was allowed to go into this, and if the Commonwealth had known what they know now, I think they would have altered it. I was going to read to the committee the very vigorous language of Gov. Talbot. — and I have been only waiting for having him come on the stand, when I wanted to ask him. — in which he denounces this interpretation of the statute.

THE CHAIRMAN. I think it would be better to wait for final argument, Governor, on the question of law.

GOV. BUTLER. I only want to say that I read this statute entirely different.

THE CHAIRMAN. Yes, sir. Proceed, Mr. Brown.

GOV. BUTLER. In every way and form, and sometime I will give my reading of it; and in that I am confirmed by some of the ablest lawyers in the State, and by Gov. Talbot. — that don't help it much, however.

THE CHAIRMAN. Proceed, Mr. Brown.

Q. Captain, what did you do in regard to the disposition of bodies? A. I made provision to have them delivered, such as was proper to be delivered, in my judgment.

Q. Now, for instance, take the period, say, ten years back, from 1873 to 1883, what was the mode and what was done?

GOV. BUTLER. I shall go back a little further than that.

MR. BROWN. You can go back just as far as you want to, to the time of the ark.

A. Sometime back within ten or a dozen years. I don't remember the precise year, I had some conversation with the board of inspectors —

GOV. BUTLER. We won't have the talk with the inspectors.

Q. Never mind what they said. In consequence of that conversation, what did you do? A. In consequence of that, appointed an agent to attend to it.

Q. And who was it? A. It was my son Thomas.

Q. Your son, Thomas J. Marsh, Jr.? A. Yes, sir.

Q. And did he attend to it? A. He did.

Q. Have you read the testimony of Mr. Chase and Mr. Hall in regard to it? A. Yes, sir.

Q. Did he make report to you as to what he had done? A. No, sir. He occasionally would ask me if it would be proper to send any such remains.

Q. (By Gov. BUTLER.) Who would ask that? A. My son.

Gov. BUTLER. Oh, your son; yes.

The WITNESS. The object was always to try to be careful to send those who hadn't any relatives, so far as could be known.

Q. (By Mr. BROWN.) So far as could be ascertained? A. Yes, sir; the intent was to follow the language of the law, and not outrage public sentiment.

Q. And was there at the institution any books kept showing this? A. Not to my knowledge.

Q. Not to your knowledge? And why not?

Gov. BUTLER. I object.

The WITNESS. There was none required.

Gov. BUTLER. I object to the question.

Mr. BROWN. Object to what?

Gov. BUTLER. To the question, Why not?

Mr. BROWN. What is the objection?

Gov. BUTLER. Because we want only what was done, and not why it was done. Again we have come right back to the question we had before.

The CHAIRMAN. Whether he was directed by anybody not to, I suppose, might be competent?

Gov. BUTLER. No; he said it was not required. That was the answer.

The CHAIRMAN. He says it was not required?

Gov. BUTLER. Not required.

Mr. BROWN. He understood it wasn't required by law.

Gov. BUTLER. He hasn't said that.

Q. Did you understand it was not required by law? A. I did.

Gov. BUTLER. I object to the question. If the answer is to go down, I want it stricken out. I object to his understanding of what was required by law. Now, if I am not to be stopped, I will give the reason why this is so. Again, I say, what was done is what we want to know, what you want to know, and you don't want to know anything else as legislators. You know whether it was required by law better than he does, or as well: therefore, you don't want any instruction upon that. Now, then, we have this condition of things: that his son was appointed an agent some ten years ago — fifteen years after this practice had been going on — by the board of trustees, — that is the testimony, — and this agent was to keep

no record of what was done. He was not to report to the trustees what he did; he was to keep no books in any form, and did keep no books in any form, so far as we have got. That is settled now, beyond controversy, I take it. And we are gravely told that that must be asked after, if it was not required. What do you say, Mr. Chairman, when the bodies of human beings are to be disposed of by the hundreds; don't you think that there should be some record kept of them? Won't you report to the legislature, if this testimony is true, that this law ought to be made very stringent; that there should be a record kept so they may be traced? Would it outrage public sentiment to keep that record? Is it possible that while a record is to be kept of the disposal of a calf in that institution, that the bodies of our brothers and sisters, — for they are our brothers and sisters, our friends and relatives, who, in the language of Gov. Talbot, may find themselves there suddenly, or in any other institution under the overseers of the poor anywhere, — for every board of overseers of the poor may send bodies away, — are to be sent away and no record to be kept? Is that so? And is it to be sworn here, is testimony to be put in, that that is not to be required, that it is not required? I suppose all public business requires a record. You will find statute after statute requiring the most careful record of the death and burial of everybody else; a register, public, so that the death can be traced, and a certificate of burial; and nobody is allowed to bury a human being decently in this Commonwealth without a record, by law. Now, are we to be told that no record is to be required, and somebody made to swear to it and it go on our records here? I think not; I think it is not a matter of testimony. It is for you to say, not for anybody else to say, that no record was required. It is not a question of testimony here. It is the question of the judgment of men upon the rights of other men; and you will say in your report whether a record was required. And I protest that there is a law against selling dead bodies, because there is a law requiring them to be decently buried, except under certain special circumstances, and there ought to be such a law. The common law would come in if no statute existed. And, therefore, I protest against any testimony coming in here to go out to the world, if you please, or to go out to the people of the Commonwealth, that there is no requirement in this Commonwealth that there shall be any record kept of the disposal of our dead. If you

choose to put it out, be it so; it must go out with my protest that any such testimony should be received, to outrage the feeling of every man in the State, man and woman in the State.

Mr. BROWN. Mr. Chairman, there are a large class of cases in this Commonwealth where the question of good faith is always inquired about, and is always considered material to the case. I am perfectly aware what His Excellency intends to claim. He intends to claim that, under the provisions of the statute, it was the duty of this superintendent and his trustees to have kept a record of every death and the disposition of every body, and that that record should be, like the other books of the institution, open to the public inspection of anybody and everybody. And, I suppose, he is going to claim that this business was of such a character that there is no justification, under any circumstances, of doing it in the night-time. He has already said that they had no business to have funeral rites over the dead that were to be dissected.

Gov. BUTLER. Yes; I say that.

Mr. BROWN. Or, what he calls "mummery." I claim that it was proper and decent and in accordance with the judgment of the best sentiment of this Commonwealth, that people who died, who were to be buried at the public expense, should have funeral rites performed over their bodies, and that then, if under the provisions of the law it was necessary or proper for them to be delivered to any medical school for dissection, that then they could be delivered. Now, I say that the question of good faith, — this man has testified to what he did, and I now ask him why he didn't keep a record on his books, and he says the law didn't require it. I say that that answer shouldn't be stricken out. It should stand. It should stand upon the question of his good faith, precisely as in cases, — for instance, take a case of negligence, the question always arises and is always put: did you know? Did you have any knowledge of any defect in a highway, or in a piece of machinery, or whatever the subject matter which caused the injury was; always proper to ask the party why he did so and so. It seems to me that this answer should not be stricken out. The public officer has a right to explain why he did anything in a particular way; what his motive was. To be sure, men's motives are determined by their acts, but I don't think the motives here, are necessarily determined by the acts. There is nothing in the act which shows that one motive or another might be attributed, further than the

simple question as to whether this man was doing his duty according to his knowledge and information, that is all,—whether he is acting in good faith.

Gov. BUTLER. I must, as I have the close upon this objection, I must say again, that were you sitting here to impeach Captain Marsh for what he did, he being a state officer, and report a bill for his punishment, if so found by the Senate, his motive would be of the highest significance. Then, if he made a mistake in the law, while ignorance of the law excuseth no man, yet, it is such violation that everybody would be shocked if a man, making a mistake in the law honestly, was to be harmed. But there are two troubles here. In the first place, Mr. Marsh is not an officer of the State amenable to the legislature. He has another superior. He is the agent of the board of trustees, required to give a bond, only to the State, for the performance of his duty. The second is a sufficient one, that you are not investigating with a view to impeach him, and that is no part of your duty. You are investigating institutions, not men. If you were investigating men, it is too late to investigate Mr. Marsh's course, because, under the ruling in the case of Secretary of War Belknap, after he is out he can't be impeached. Now, then, when Mr. Brown states to you that the question here is of the good faith with which this is done, he misstates the question. The question here is what is done; and then you are to apply the proper legislation, ask for the proper legislation upon the facts; and, I don't want to repeat myself, but, if the fact was done in bad faith and done rightly, there is nothing to be said; if it was done in good faith and done wrongly, then you are to apply for legislation to change this statute. So that the question whether there was a legal requirement or not, is only asking Mr. Marsh to a conclusion of law, simply. That is all. Now, then, let me show you the history of this law. In the first place it was passed that the overseers of the poor of a town or a city might allow bodies to be given to a physician or surgeon, he giving bond for the body,—not giving a bond of \$100 for 500 bodies. There was no law like that; but the law is that he should give a bond for the body that he takes, and that that body should be, after being used, decently buried, so as not to outrage public feeling. It stood substantially in that way until, long afterwards, the words "state almshouse" was put into the law, allowing the state almshouse to dispose of bodies in the same way as overseers of the poor.

And I have some doubt whether, — [referring to the statute] “and the trustees and superintendent of the state almshouse;” I think the trustees can’t delegate to an agent that never reports, that power to dispose of these bodies. But they must be, — each body is a sacred thing, so dealt with by the law, so as not to outrage public feeling; each body is to have a bond that it, that body, shall be properly disposed of by chapter 291; there was some additional provisions given. In the same year, however, the board of health, — somebody, we shall find out who, before we get through with this investigation, — applied to the legislature for a provision entitled an act to provide for the more accurate registration of vital statistics. That is the title of the act, but, under that title, they attempted to get legislation about the removal of dead bodies.

The CHAIRMAN. That is 1879?

Gov. BUTLER. 1879; yes. And it was met by Gov. Talbot in an entirely proper spirit; and that act was intended to legalize this very practice. [Reading from Gov. Talbot’s message.]

“The specific objections to this clause are, —

“*First*, That it is too sweeping. It may happen to any one of us or of our households, to be smitten with sudden and fatal disease among strangers, and taken to a public hospital. Immediate identification is impossible, and in two days the surgeon and the scalpel must follow.”

The provision of the act was that it must be done within two days.

“*Second*, It is too vague. Who is to decide the rival claims of applicants for a body? Under existing laws, officers may grant such bodies to any physician or surgeon, to be used within the State for the advancement of science, preference being given to medical schools. Under the proposed law the delivery may be made to any-one, for use anywhere.”

As was done, as we have learned, with these bodies.

“*Third*, The time is insufficient for friends to claim their dead. Our postal arrangements will not permit it. The towns are numerous in this State between which letters cannot be exchanged within forty-eight hours.

“*Fourth*, It allows no discretion to the local authorities. A mother arriving an hour too late, and pleading with tears for the body of her

child, must be denied the privilege of burying it among its kindred. The law is mandatory. It must go to the dissecting-room. It may be said, that, in such a case, the law would be disregarded; but we are not to pass laws in the faith that they will be set at naught.

"*Fifth*, It requires no bond, as provided in the General Statutes. The propriety of an express provision on this point needs no discussion.

"*Sixth*, Worst of all, it disregards the requests of the dying, so carefully guarded in the existing statute, which provides that if, in his last sickness, the deceased requested to be buried, the body shall not be surrendered for dissection, but shall be buried."

That is a portion of this law which my brother Brown has found it convenient not to read. However poor, however desolate, however without friends, if on his death-bed he requested to be buried, then his body, — or requested at any time that his body should not go to the dissecting-room, — then his body could not be sent there. And there was an attempt, — and who made the attempt? — to get legislation to authorize this very practice which was done at Tewksbury, and had been going on then for twenty years — twenty-one years. And it went through the legislature; but, to the honor of Gov. Talbot, it was stopped in a very vigorous message, portions of which I have read. But still the practice went on all the same. Now, then, what was the requirement of the law, you are to judge. I have given you the history of the law, that you may see it is a question of law, and it was known to Mr. Marsh that this legislation, as I think I shall be able to prove, was asked for; and he knew in '79 that this practice had been not only not sanctioned, but that his superior, the governor, said it must not go on; and, yet, it has gone on up to the day you sat here.

One word further. I want again to enter my protest. A religious ceremony, committing dust to dust, under the forms of our church, when it is said over a body which is to go to the dissecting-room, and then the remainder to feed the fishes, is a mummery, is a disgrace to our civilization, an insult to our religion, — the religion of any man who has got faith to believe in a God who means to resurrect the body hereafter. And it is an outrage to public decency in itself; and the feelings of every right-minded man and woman in this Commonwealth is outraged to-day, when it is claimed here that it is a proper use of a religious ceremony, and that the money of the Commonwealth is paid out to the clergyman day by day to go and per-

form the funeral services, — give the last rites of unction, and perform the funeral services over a body which is then destined to the scalpel and the dissecting-knife. I know I am speaking to gentlemen of humane and religious feelings, and I cannot be mistaken upon this. This is a matter which no stress of emergency anywhere can alter the feeling of a humane soul upon, of a Christian man or woman. And I have been thus particular about this because I want whatever is done, your attention thoroughly called to it, so that this practice may be stopped in any event, by law. It is due to every feeling that animates a right-minded man.

The CHAIRMAN. This case is complicated, in my judgment, by the duty of the committee to construe this law. It seems to me that the Commonwealth itself is on trial, in one sense, for having this law; that is one defendant. Then there is the board of health, lunacy and charity, one of the agents to administer it; then there is the trustees, another agent to administer it; then there is the superintendent, and he says he has appointed a sub-agent. Now, then, it seems to me that the object of this investigation must be to fix the responsibility somewhere for what has been done under the law. Now, then, here is a man who says that he didn't do certain things. Now, it seems to me competent for him to show what the controlling influence was that prevented him from doing certain things, — not the motive. If the trustees are responsible, we should fix it there; if the board of health, lunacy and charity, we should fix it there. Upon that ground, it seems to me to be competent. I submit it to the committee.

Gov. BUTLER. The board of health, lunacy and charity hadn't anything to do with it.

The CHAIRMAN. The motion is made by the governor to strike out the answer made by the witness. Those in favor of striking it out will raise their hand.

[The committee voted 1 to 4.]

The CHAIRMAN. It is not a vote.

Q. Now, Captain Marsh, prior to the time when your son Thomas was designated as the party who should superintend this work, by whom was it done? A. When I first went to Tewksbury, it was in charge of Dr. Brown, the resident physician.

Q. After that who had charge of it? A. After that Dr.

Wakefield took his place ; I think Dr. Wheelwright had something to do with it.

Q. That is Dr. Wheelwright up at the state house? A. Yes, sir.

Q. Well, was he at the institution when he attended to it or was he here? A. He used to come up nights.

Gov. BUTLER. He was not either a trustee or the superintendent.

Mr. BROWN. No ; well, as I understand you, Governor, do you claim that these five trustees and the superintendent, all six of them, go to this dead-house and take this body and deliver it, or what is it?

Gov. BUTLER. I understand this, that the trustees must make some reasonable rules and regulations by which this work is to be done, and that, then, the superintendent is to do it in conformity with those rules and regulations.

Mr. BROWN. That is, the superintendent, personally, must go to the dead-house and get the body and lift it into the carriage and deliver it to Harvard College ; is that it?

Gov. BUTLER. It isn't worth while to answer so foolish a question.

Mr. BROWN. I am glad you think it is foolish, because that is just the way I thought about it, when you said that was necessary and there could not be any delegated authority.

Gov. BUTLER. I understand that a man can superintend and do a thing and not have to do it with his own hands.

Mr. BROWN. Very true ; then he may delegate his authority.

Gov. BUTLER. No, sir ; he can't delegate his authority..

Mr. BROWN. He can appoint an agent.

Gov. BUTLER. No, sir ; he can't appoint an agent.

Mr. BROWN. Well, I think it is very foolish to discuss this any further.

Gov. BUTLER. I know, — when I have answered according to Solomon's proverb, how a certain man should be answered, according to his folly.

Mr. BROWN. You seem to appreciate it.

Q. Now, Captain, what other officer besides Dr. Brown, Dr. Wheelwright and Dr. Wakefield, has had to do with it,—and your son Thomas? A. Dr. Hines.

Q. And those were all the persons, so far as you know, who had charge of the arrangements by which these people were delivered? A. Yes, sir.

Q. Now, Captain, did you ever know an instance, while you were connected with the institution, where a person would be buried in a coffin provided by the almshouse and after burial the friends would call for the body? A. A great many.

Q. And the body be taken out of the coffin furnished by the institution and put in another one? A. Yes, sir.

Q. Now, I want you to tell me what you did with the old coffin? A. Usually buried it right back in the ground.

Q. Put it right back into the hole and buried it, didn't you? Wasn't that the invariable practice? Did you ever know anything else to be done? A. They may have been brought to the dead-house and changed there, and then not put in; but the large proportion were buried right there.

Q. So that it is possible to go to places in the Tewksbury burying-ground where people have been buried whose bodies have been delivered to their friends and find empty coffins, is it not? A. Yes, sir.

Q. Now, sir, of those who die at Tewksbury, can you tell me anything about the proportion who are called for by their friends?

GOV. BUTLER. Is there any record of that?

Q. (By Mr. BROWN.) Well, is there any record, Captain? A. I think not.

Q. Well, can you tell me what proportion of those who are buried are called for? A. I don't think I could.

Q. Well, is it a very common thing, right along, more or less frequently? A. The number compared to the whole number is probably not very large.

Q. Now, my papers having come, I will resume my examination of Saturday. Turning to page nine of the report for 1875, I want you to tell me what was the occasion for your use of this language:—

“The proportion of able-bodied males and females who are able to contribute anything to the labor required in an institution of this kind is small indeed; the larger portion are either subjects for hospital treatment, or those advanced in years, who require a shelter where they may pass the small remnant of time allotted them, in comfort and quiet.”

What was the occasion of your use of that language? A. I suppose it was the condition of the family.

Q. And by the family you mean —? A. The institution.

Q. Now, I want to know what was the occasion for your use of this language on the same page:—

“The necessity for increased and improved cooking apparatus, which was fully presented to you last year, has been met, and, by the liberality of the legislature, we have been enabled to re-furnish the general and hospital cook-rooms to our entire satisfaction; and, with our improved arrangements for cooking, we are now in a condition to adopt the revised diet table which was prepared and presented a year ago.”

What was the change in the diet which was made? A. Isn't the diet table in there?

Q. Never mind whether it is or not. You recollect there was a change. What was the change? Was that change for the better? A. Yes; it was thought to be.

Q. You calculated to give a more liberal diet to the inmates? A. And better prepared.

Gov. BUTLER. A change of diet on account of the increased facilities for cooking.

The WITNESS. Well, better facilities.

Q. (By Mr. BROWN.) That is, the better facilities for cooking enabled you to change your plan of operations. How many times had you been to the legislature,—before a legislative committee? Or, let me ask you a question before that. In each year since you have been connected with this institution, have you generally appeared before legislative committees to present your wants? A. I should think in the majority of years I had.

Q. Did you ever call the attention of the legislature, prior to 1874, when, according to this report of 1875, you did call their attention to it, to the necessity for increased cooking facilities?

Gov. BUTLER. He called its attention in 1874, and got it in 1875.

Mr. BROWN. My question is did he ever call for it before 1874.

The WITNESS. I don't remember that I did, sir.

Q. Then your call in 1874—

Gov. BUTLER. Was answered.

Mr. BROWN. In the next year.

Gov. BUTLER. Not in the same year, because it was called to the attention of the trustees in 1874; the legislature voted it in 1875.

Mr. BROWN. But the appropriation was made in 1875.

Gov. BUTLER. He didn't call until October, 1874. The next legislature fixed it.

Q. (By Mr. BROWN.) Now, I want to know what was the occasion for your use of this language on page ten of the same report:—

“Our laundry accommodations have for a long time been limited, making the labor in that department unnecessarily severe. We have this year made an addition of a room about twenty feet square, which has been paid for out of the regular appropriation, and two new washing-machines, which will cost about a thousand dollars.”

What was the occasion for that language? A. Because they made those changes; they bought the washing-machines.

Q. What was the thing, in this regard, which operated severely upon your institution prior to this change? A. There was a very low room in the basement, under the cooking-room, and it was very ill-contrived and very uncomfortable; always filled with steam, and uncomfortable to work in.

Q. Now, I see you use this language:—

“The reservoir which has been in course of construction for several years, has this year received considerable attention, and one end of it, comprising about one-half, has been completed. We are in hopes this will materially aid us in obtaining a supply of water.”

How many years was that reservoir in process of construction? This is in 1875. A. I should think five or six years.

Q. By whom was it constructed? A. Mainly by the — well, such hired help as we might have, — the teams and the inmates' labor.

Q. Whether or not in the winter, during the period when you had certain people in the hospital, who were in the habit of coming there in the winter, whether you availed yourself of this extra labor to construct this reservoir? A. Always.

Q. Now, during the five or six years when the reservoir was in process of construction, what were your facilities for a water-supply? A. We had a small pumping-house, — a force-pump.

Gov. BUTLER. A steam-pump, you mean?

The WITNESS. A small steam-pump, right nearly where the present one is. It was small, but still it used to aid us very considerably.

Q. Were you ever obliged in the summer, during dry

weather, to bring water to the institution with a yoke of oxen, and in barrels? A. I have brought a great deal in hogsheads there.

Q. Why did you bring it that way? Were you obliged to bring it that way? A. That was before we had the pump.

Q. When was that? A. I don't know as I could tell you.

Q. Well, after you had the pump, you were not obliged to? A. No, sir.

Q. Did you have any lack of water-supply during the time when Dudley and his wife, and Barker and his wife, were at the institution? A. I should think not, sir.

Q. Recollect of any? A. I do not.

Q. Now, I want to ask you, Capt. Marsh, about the color of this water that you have at the institution? What is it? A. Well, it is the color of ordinary brook-water.

Q. Dark water; a sort of brownish-looking water; like sweetened water? A. Like pretty pure wine, or something of that sort.

Q. Nothing dirty about it? A. No, sir. We had it analyzed before we used it at all, and it was pronounced by the chemist to be good, pure water.

Mr. BROWN. Simply discolored?

Gov. BUTLER. He didn't say that.

The WITNESS. We had water from several places examined, and this was decided to be the best. We had some examined from Chandler's Pond, — a large pond on the western side of us.

Q. Now, Captain, I want you to tell me what was the reason for your using this language on page 10 of the same report:—

"A year ago I called your attention to a great deficiency, and the same condition of things exists to-day, with this difference — that the deficiency of milk has been supplied by purchasing it, as will be seen by referring to Table No. 4. I will quote from last year's report: 'There has long been a deficiency of milk, which is so indispensable for the proper nutrition of children and the insane.'"

What was the occasion for the use of the language? A. I suppose I wanted barn-room for more cows.

Q. So that you might raise more milk? A. Yes, sir. I think I asked fourteen or fifteen years before I got any addition.

Mr. BROWN. That you stated on Saturday.

The WITNESS. Oh, I had forgotten that.

Gov. BUTLER. They had to buy the milk.

Q. (By Mr. BROWN.) Now, Captain, I want to call your attention to page 11 of this report: —

“We are still receiving almost every week troublesome cases of delirium tremens, and I would again call your attention to the fact that we have no suitable place for confining or restraining them. I am satisfied that some improvement in the quarters for this class should be made as soon as practicable.”

What was the occasion for that? A. We hadn't any suitable place for them.

Q. Now, in brief, about how many times have you called the attention of your trustees, and in this way, through this channel, the attention of the legislature to this fact that you haven't had a suitable place for the confinement of those afflicted with delirium tremens? A. I could not tell you how often, but every now and then; I could not state how many times without referring to the reports.

Q. What kind of a place did you want, Captain? A. Well, I had a sort of an idea, to have some room where there should be some lined rooms.

Gov. BUTLER. I only want to say to you that the report shows that there were not more than two cases.

The WITNESS. That may be, sir; but I should still be likely to call attention to it.

Mr. BROWN. Well, I suppose in the generosity of your heart even two men would be worthy of attention.

Gov. BUTLER. Exactly; but I should not think of telling the story that I had troublesome cases there every week when there were not but two brought there in a year; that is the difference.

Mr. BROWN. Perhaps you haven't got that right.

Gov. BUTLER. Oh, but I have. There it is, total; two. Two men were brought there with delirium tremens.

Q. (By Mr. BROWN.) Now, Captain, I want to know what was the occasion for your using this language: —

“As a final retreat for the diseased in mind, whose care, or even relief, has been abandoned by experts, and whose physical state tends only to decay and death, and as the only state almshouse, which is its true character and designation, for more than a million

and a half of people; its population, in ordinary times, must be made up of the infirm, the sick, and defective, of whom many can never be expected to leave its walls."

"Under these circumstances no reasonable person can expect the rate of mortality to be the same as in ordinary communities. Liable, too, as is such a population, to a sudden access of illness, both from within and without, it is not easy to maintain, on every day of the year, and in every variation of the atmosphere a sanitary condition thoroughly satisfactory to ourselves. But constant effort in this direction has accomplished results which are certainly gratifying to us, and which, perhaps, are the best which can be attained with our present needs."

What did you refer to by that, saying you were doing the best you could with your present means? A. When was that, sir?

Q. In 1876. A. I think it must have been when we had a very defective set of water-closets in the insane department. In one part of the insane building we had earth-closets, in the original building; and also in the hospital. We had earth-closets, which proved to be failures.

Q. Now, this report was made to the legislature, or came to the legislature, on the first of January, 1876. Now, you use this language on pages 11 and 12:—

"While the presence during the year of an unusual number of able-bodied persons has probably tended to this large decrease of 2 $\frac{1}{2}$ per cent. in the death-rate, it is in part offset by the inevitable decrease of the foundlings, who, I regret to say, have been sent hither in greatly increased numbers. No less than 82 have been admitted during the year, of whom 70 have died; while in 1875, 27 were received, all of whom died."

"Exclusive accommodation, and the kindest of nurses, have been provided for these little unfortunates, as in former years, while the care and watchfulness of their medical attendants have been unceasing; but all has been in vain. In view of these facts, I would respectfully recommend such legislation as will require the municipal authorities to commit them to the Massachusetts Infant Asylum, where the State has made ample provision for their support, and which has special facilities for their nurture, both in the institution itself and in private families."

Was that the first time that you had called the attention of the legislature to the necessity for legislation for the care of foundlings? A. I could not say, sir.

Gov. BUTLER. The first time it is found in the reports.

The WITNESS. I presume it was, sir.

Q. Prior to that time you had had foundlings in the institution? A. Yes, sir.

Gov. BUTLER. Always.

Q. Now, when was there any change made in the law under which those foundlings were disposed of in any other way than to send them to this institution, if you recollect? A. I should think it had been three or four years; possibly five.

Gov. BUTLER. Well, you can tell by looking at the law.

Q. But it was some time after you called their attention to it? A. Yes, sir. Our board of trustees urged the same thing.

Q. Now, in 1876 you used this language: —

“ But I must once more call your attention to the pressing need of suitable accommodations for cases of ‘delirium tremens,’ which are now sent here in increasing numbers. This is absolutely required for their own safety, and for the comfort of the sick and infirm, who are liable to be seriously disturbed by their outcries.”

Do you recollect that? A. I suppose I do.

Q. Now, I want you to tell me, Captain, what was the occasion of your using this language: —

“ I therefore suggest that temporary accommodations for several hundred more be provided by erecting a temporary building, at a moderate cost, on the western side of our enclosure, of one story and a half in height. This will be sufficient for an exigency, as we can feed and clothe without difficulty, and lodging room is the one thing requisite.”

What did that refer to?

Gov. BUTLER. Several hundred more patients, I suppose.

Q. What was the occasion of your use of that language?

A. I had in contemplation a large increase of the family. I presume it was in consequence of that.

Q. Well, had anything occurred? A. I don't remember anything especially about it.

The CHAIRMAN. I think we will take five minutes' recess.

Gov. BUTLER. I wish the committee would stop promptly at one, because I have got to go a little distance.

[Recess.]

Q. Now, in the report for 1877, on the 11th page, you use this language: —

"We also need some place for the accommodation of those afflicted with offensive diseases."

What did you mean by that? A. Well, such as required isolation.

Q. You say here:—

"All of the above classes of patients are now kept in such close proximity to others as to be a source of great discomfort, if not of danger. A building adequate to these wants, of a size and appearance corresponding to the hospital, might be advantageously built on the western side of our grounds."

What was the class of patients to which you referred? A. They were such as would make it unhealthy, uncomfortable, and unpleasant throughout the sick wards.

Q. I notice in this report of 1877, you speak of the matter of the water-closets. Those were built by an appropriation made in 1876; between that and October, 1877? A. I believe so, sir.

Q. And these are the same arrangements you have now? A. Yes, sir.

Q. You use this language on page 13:—

"The general good conduct of the inmates, and their cheerful co-operation in the work of the institution, is worthy of a word of commendation. A little more than a year ago the cells intended for the punishment of men were demolished, and no substitute has been supplied. Although this fact has been known to all the inmates, no occasion for punishment of any kind has arisen. I wish, therefore, to express officially my appreciation of their good conduct."

Now, what cells do you refer to there? A. Some that were put there when the house was built.

Q. That is, you mean the main body of the house? A. Yes, sir; they had been taken out.

Q. They were in the basement, you say? In what part of the main body of the house? Either of the wings? A. Yes, sir; on the western side; in the part which is now the women's baggage-room, off from the bathing-room.

Q. The women's baggage-room? So that you have no means of confinement; no place to put a person who is refractory in any way, if, in your judgment, they ought to be confined in the institution at all.

Gov. BUTLER. For punishment.

Mr. BROWN. For punishment.

The WITNESS. There is nothing except these rooms.

Q. Those in the insane department? A. Yes, sir.

Q. In the other part of the institution there is nothing? A. Nothing at all.

Q. Up to the time that you ceased to be superintendent, and during the last few years, in the absence of these cells, what have you resorted to as a mode of punishment, — as a means of punishment, — as a substitute? A. The only thing I have had has been, that if anybody persisted in being uncomfortable and refractory, to tell them to leave.

Q. To leave the institution? A. Yes, sir.

Q. Well, sir, up to the time when you left its management, was the threat that they should be expelled from the institution a sufficient punishment? A. It always had its effect, because I was rid of them; they went.

Q. They went. That is, when you told them to go? A. Yes, sir.

Q. And did the fear that they might be compelled to leave the institution seem to restrain them? A. Well, I always thought it had a good effect.

Q. The expulsion of some was an example to others? In other words, they seemed to enjoy staying there? A. I don't know as I say that, because there is always a portion that want to go away, I don't care how comfortable you make them; they would not be satisfied. If they were boarding at the Revere House, they would want to go to the Tremont, — they would want a change.

Q. And if they were boarding at the Tremont, they would want to go to the Vendome? A. Somewhere.

Q. I want to know Captain, what was your occasion for the use of this language: —

“A perfect administration cannot be expected where nearly all its subjects are imperfect or defective in some faculty or function of the body or mind. Even the wisest may differ in the methods of dealing with them. I therefore welcome all fair and reasonable criticism by competent persons, as affording valuable aid in solving the difficulties that may occur in the future.”

That is in your report of 1878, and I want to know why you used that language. A. Well, I don't remember distinctly

about it, but I suppose some criticism had been made in some quarters concerning the administration.

Q. Were you present at the investigation in 1876? A. I was.

Q. Did you testify? A. I think I did.

Q. And from 1876 to 1878 had there been other criticisms, within your knowledge, made upon the institution? A. I don't remember anything particular.

Q. Now, I notice again, in 1878, which I believe is the third time you use this language:—

“The condition and fate of the motherless infants thrown upon our hands by the cities and towns have caused us great anxiety for the past as well as for previous years. No medical skill, no continuous and self-sacrificing effort on the part of physicians or nurses, avail to save their lives; and at the same time no remonstrance or plea on our own part, though made earnestly for years, has availed to prevent their commitment. Under these circumstances I respectfully recommend that such as are sent here, who are in a condition to be removed, be placed in the care of the corporation known as the Massachusetts Infant Asylum, in accordance with the Act of 1867, after due communication and arrangement with the officers thereof, and with the Board of State Charities.”

Gov. BUTLER. 1867?

Mr. BROWN. That is the way it reads.

Gov. BUTLER. I thought you said they had changed the law.

Q. What was the occasion of your using that language? A. I wanted to see if I could get them anywhere where they could make them live.

Q. What effort did you make, other than by your communication in your annual reports, through that series of years, to have those children cared for at some other place? What other effort than this made in your annual reports? A. The only other thing I did was to talk with the agents of the board, whoever they might be. I always talked with them about it.

Q. (By Gov. BUTLER.) By “agents” who do you mean? I don't understand? A. I mean Mr. Wrightington and Mr. Wheelwright; any of those folks connected with the board.

Q. (By Mr. BROWN.) Did you visit other institutions for the purpose of learning the means of treatment? A. I did, sir.

Q. Where? A. I visited all that I could find all around

me here, in the West, in California, in Maine — or at least, in Halifax — and wherever I went. I never went a great deal, but when I went I made it in my way to visit such places.

Q. And did you try to study their ways of treating this unfortunate class and to get information? A. There was not very much study about it; I found about the same result everywhere.

Q. Did you visit the institution known as the Gray Nuns in Montreal? A. No, sir; I didn't go to that, but I went to two or three of the other ones there.

Gov. BUTLER. What was done up there we won't have in here, I think.

Mr. BROWN. I don't know; we may. I have got some official reports under the seal of the Canadian Government.

Gov. BUTLER. We will talk about those when they come in.

Q. Never mind what the result was; but you did visit institutions in Montreal? A. Yes, sir.

Q. Did you visit St. Mary's Asylum in Boston? A. I don't think I was ever there.

Q. Did you visit the Chardon Street Home to see what could be done there, if anything? A. A good many times.

Q. How many times? A. I could not tell you, sir; frequently.

Q. Now I want you to tell me why it was that from 1875 to 1879 or 1880 there were so many more foundlings at Tewksbury than there had been in previous years. A. I never could tell.

Gov. BUTLER. You don't mean that, do you?

Q. More in each year than there ever had been in previous years. A. I was never able to tell.

Q. You recollect that to have been the fact, do you? A. Yes, sir.

Q. I notice that on page 12 of this report you use this language:—

"We are grateful for the public interest in this institution, as manifested by the considerable number of visitors and the contribution of books and periodicals for the use of its inmates, and other kind remembrances."

Now, I want to know, Captain, if at the public expense, the result of the expenditure of the Commonwealth's money, there have been any books, or pamphlets, or papers furnished to the

institution, and if so, what. A. Do you mean aside from the purchases?

Q. Well, go on. A. You mean aside from the purchases of the Commonwealth?

Q. No. What has the Commonwealth purchased for these people? A. We have been allowed, if we had — if our appropriation would admit of it at the close of the year we were allowed about \$50 worth of books for the library.

Q. Have you been allowed during any year that you have administered there, — ever purchased daily papers for the inmates? A. No, sir; I don't think we have.

Gov. BUTLER. Won't you repeat that a little louder, sir?

The WITNESS. We have not. I don't know but they might have been allowed, but they have not been. Our method about papers has been to take such papers as we thought necessary and proper. Sunday mornings they have been given out to all the inmates; they collected around to get them. We had a great many sent to us besides. We have had for a year or two quite a bundle sent up from Lawrence. We have books and papers and things sent by some society in Boston, — four or five barrels at a time; and all those things, besides access to the library, which the inmates have.

Q. How many volumes are there in the library, about, now? A. I should think 800 or 900; possibly more.

Q. Do you find that the inmates express a desire to read? A. Yes, sir; a good many of them do; some don't care anything about it.

Q. Now you speak of the number of visitors. Have you kept, since you have been there, a register of visitors? A. There has been a register, a book for registering names, lying upon the table. I don't suppose a quarter part of those that have visited there have signed their names. A good many have. That book is an ordinary style of book, of about that thickness. [Several hundred pages.] It is pretty well filled now, but not quite.

Mr. BROWN. I want you to bring that book down here to-morrow morning.

The WITNESS. The register?

Mr. BROWN. The register of visitors.

Gov. BUTLER. Haven't we got that yet?

The WITNESS. There has not been any call for the register, I believe.

Gov. BUTLER. I have called for every possible book.

The WITNESS. Well, you should have had it if I had known you had wanted it, certainly.

Q. Now, in the report for 1879, page 10, you say:—

“The legislature of last year granted us an appropriation of \$4,500 for increased facilities for obtaining water.”

What deficiency was that to supply? A. As I said before, when we put in the first steam pump it was small and the pipe running from it was small. We substituted a large pump. I forget the name of the maker.

Q. (By Gov. BUTLER.) A Knowles pump? A. No, sir.

Q. A Blake pump? A. I believe it was a —

Q. A Wadsworth? A. The agent for it is down here in a building in the square.

Q. (By Mr. BROWN.) A Fales pump? A. I will tell you to-morrow, if you will wait.

Q. There was a deficiency in the water supply, was there not? A. Yes, sir; our increased buildings gave us an increased demand for water, and we laid a pipe then from the boiler-house to the reservoir on the hill, a six-inch cast-iron pipe, and then brought it from the reservoir down to cisterns in the yard.

Q. How much higher is the reservoir than the sill of your house? A. It is not so high as the house.

Q. (By Gov. BUTLER.) As high as the sill? A. It is as high as the floor on the first story; that is the second floor.

Q. The first chamber floor? A. If we had a tank there fourteen feet higher we could furnish water all over the house. I got the pipes laid for that purpose and have asked two or three times for that also.

Q. (By Mr. BROWN.) Asked who? A. The legislature, or our board. The method of asking, as I said, was to ask the board, and if they approved of it, to go to the legislature.

Q. Did they approve of it? A. They did.

Q. And you went to the legislature? A. Yes, sir.

Q. But didn't get it? A. I have not got it yet.

Q. State again precisely what it was you didn't get. A. We wanted a reservoir—we told them if it could be elevated from the surface of the highest ground, it would furnish a supply of water that would go of its own force all over the buildings—the highest of the buildings; and that we had laid a

pipe, branching off from the main pipe — laid a pipe to that highest point, so as to have nothing to do but to have the reservoir and make the connection.

Q. And that work was done by whom? A. Well, done mostly by our inmates. Of course, if we had nothing else to do we should put on our hired help or any teams, or matters of that sort.

Q. Now, I notice in the last paragraph on this same page you use this language:—

“In the building occupied by children, further accommodations are absolutely indispensable.”

Gov. BUTLER. What year was that?

Mr. BROWN. 1879.

Q. What did you refer to by that?

Gov. BUTLER. That was after the foundlings left.

Q. What did you refer to by that? A. That there was not sufficient room for the children.

Q. In what regard? A. We hadn't sleeping-room and play-room enough before. There was lacking a little dining-room and one more sitting-room, or dormitory, or whatever you call it.

Q. Captain, do you find that many of the children who come to the institution are taken out of the institution, and adopted by private parties? A. Not many now, sir; there used to be some,—a good many; but not now. Occasionally there is a call for them.

Q. Do you know what has occasioned the change? A. I do not; unless they have not so many pleasant children. And yet, I think, we have some very pretty ones.

Mr. BROWN. Yes; I have got some pretty pictures of them.

Gov. BUTLER. Well, now, the state board, Mr. Brown, since the foundlings were taken out, have taken the adoption into their own hands.

The WITNESS. Yes; but if we had any I should be likely to know it.

Gov. BUTLER. They don't take them from there: they take them from their own foundling institution.

Q. Then you say at the top of the 11th page:—

“I have no hesitation in again stating that an additional barn for the storage of our increasing crops, and to enable us to increase the number of milch cows is an urgent necessity.”

That is the same old story? A. The same old story.

Q. Now, I notice in 1880, on page 10 of your report, you say:—

“The new laundry, for which an appropriation of \$8,375 was granted by the legislature of this year, has been so far completed, that we hope to occupy it this month.”

Was that the matter which you referred to a few moments ago, or was it the construction of a new building? A. When I spoke of the other I spoke of it as being a poor, crowded, uncomfortable place. And after the fire occurred it still became worse, and we asked for a laundry. I don't remember how long before we got it.

Q. When was the fire, do you recollect? A. I remember it was in January; three or four years ago, perhaps.

Q. Then, for the purpose of increasing your supply of milk, you had a silo built in 1880, did you? A. We had one built. I could not tell you when.

Gov. BUTLER. I guess that was not for the milk; they have bought the milk, lately—the larger portion of it.

The WITNESS. They bought a portion of it.

Gov. BUTLER. The larger portion of it.

Q. (By Gov. BUTLER.) How was it about the silo? How much did you get for the silo? A. Well, sir, that was put in with other things—an addition to the barn, etc.; I have forgotten what.

Q. (By Mr. BROWN.) I see that in 1881 you called the attention of the legislature again to the fact that you need this high service. A. I know I did, sometime.

Q. “When we laid our new water pipe to the reservoir,” etc. In that you refer to the same subject? A. Yes, sir.

Q. Now I want you to explain more fully than you did the other day—In 1881 you used this language:—

“I need hardly call your attention to the desirability, not to say necessity, of removing the cobble-stone paving in the yard, and substituting something better suited to the surroundings. The difficulty which the old and feeble experience in picking their way over it, your own trials in this respect, and the suggestions of governors, committees, and ‘strangers within our gates,’ call for an improvement in this part of the grounds.”

Have you had any accidents there? A. Why, yes; we have had accidents. I don't know of anything in consequence of that.

Q. Well, has there been complaint among the inmates who have to travel over that section of the yard? A. Yes, sir.

Gov. BUTLER. The difficulty in travelling over that pavement.

Q. Now, Captain, I have been over these reports and called your attention to many of the requests that you have made. Is there anything which you have in your mind as specially necessary for the comfort and convenience of the inmates of this institution? A. Well, I suppose now that is in the hands of other parties.

Q. I know. But were you still acting as superintendent and were you to appear before a committee and ask for an appropriation for anything you needed, what would you say you wanted?

Gov. BUTLER. He made his report this year and asked for all he wanted.

The WITNESS. I didn't get all I asked for, Governor.

Gov. BUTLER. What you asked for we have already.

The WITNESS. Oh, if I was going to continue in charge I should think I ought to pay some respect to the suggestions which have been made in the further improvement in the care of the sick — the living of the sick.

Q. The diet? A. Yes, sir; the diet.

Q. Now in regard to the employment of the persons employed there as insane patients.

Gov. BUTLER. I object to this, because this is what has come up since. Since this investigation he has seen a good many things, I have no doubt, that he thinks he would like. But he has made all his last requests in his report on the first of January.

Mr. BROWN. I don't care enough about it to press it.

Gov. BUTLER. Pass me over the rest of those reports: I would like to get them into continuous line. Haven't you some more?

Mr. BROWN. Some of those which I used on Saturday are in the hands of the reporter.

Q. (By Mr. BROWN.) Now, Captain, I suppose a good many young women who come up there for summer vacation have sealskin sacques, don't they? A. Not much.

Gov. BUTLER. What?

Mr. BROWN. I ask him if a great many young women were

in the habit of coming up there for summer vacation with seal-skin sacques.

GOV. BUTLER. I don't see what that has to do with this investigation; still, go on.

Q. (By Mr. BROWN.) Did you ever know a woman to come there with a sealskin sacque? A. I don't remember of any such thing.

Q. Captain, have you and your wife been in the habit of appropriating the clothing of these people?

GOV. BUTLER. Well, I object to that. Stop a moment. I object to that question. Nobody has said that Capt. Marsh appropriated any of that clothing.

THE WITNESS. They have said that my wife has.

MR. BROWN. Wait one moment; I can accommodate you perfectly.

Q. (By Mr. BROWN.) Did you ever know of any member of your family, Mr. Marsh, or any other member of your family, appropriating anything which belonged to any of these people? A. Not a cent's worth.

Q. Did you ever know of any member of your family taking any of the property of the Commonwealth or receiving any of the property of the Commonwealth for their own use? A. What do you mean; of the clothing or — ?

Q. Clothing or food — except what they had at your table? A. No, sir. — Yes; there was an exception in which there were two barrels of apples sent to Exeter once on a time.

Q. Those are the apples we have heard of? A. I presume so.

Q. Now, Captain, have you been in the habit of keeping all your grandchildren, or any considerable proportion of them, there at the almshouse to live on the Commonwealth? A. They could not have been there very well for they have all been attending school. I believe the last one graduates this week at Harvard.

Q. Now tell me, have you got a grandson known as the Davis boy? A. Not to my knowledge.

Q. Dudley said you had a Davis boy for a grandson? A. He was mistaken.

Q. You never heard about it? A. He was mistaken.

Q. Well, you have some Atwood boys who are grandchildren? A. Yes, sir; I see one of them here.

Q. One of them is a professor at Exeter Academy? A. He

has been acting in that capacity ; has not been appointed regularly. While they have been making arrangements for their centennial which has just passed by, Professor Wentworth put him — perhaps him and another one — in his place in the school ; and they call him professor, I believe.

Q. Now, you had another Atwood grandchild who graduated at Harvard this year, I believe. A. He has not yet graduated. It is his second year. He is all ready, I believe.

Q. Now, Captain, have you been in the habit, or did you ever send any goods from Boston or elsewhere, purchased with the Commonwealth's money, to the Davises or the Atwoods?

A. Not to the value of a dime ; not a cent's worth.

Q. Now, I want to know, Captain — of course you never sent any coal there? A. I have bought and sent coal there a good deal, but not of the Commonwealth's.

Q. Never paid for by the Commonwealth? A. Not a mill.

Q. Did you ever know that any member of the Atwood family or of the Davis family had a silk dress which was the property of one of the paupers? A. No, sir ; and nobody else.

Gov. BUTLER. Better speak for yourself, Captain ; that will be as much as you can do.

The WITNESS. I know what I am talking about, Governor.

Gov. BUTLER. Well, you cannot tell what other people have done.

The WITNESS. I know about that.

Q. Now, Captain, have you been in the habit of selling pigs and calves and putting the money in your pocket? A. Not much.

Q. Did you ever sell a pig or a calf and put the money in your pocket, and not return it? A. No, sir ; with one exception.

Q. Well, let us have that? A. There was a transaction about a pig with Mr. Pillsbury. I heard his statement here that he paid ten dollars for a pig. I believe there was a credit found of five dollars for a pig ; and it was supposed that five dollars of it slipped out through the fingers somewhere. That pig, that five dollars, was a transaction about a pig with another man, — Mr. Poor.

Q. In other words, they got the wrong pig by the ear? A. They got the wrong pig by the ear. That transaction was with Mr. Poor, who was the manager of Mr. Russell's farm — our

Congress member there — and that five dollars was received from him, and he is ready to come here and testify to it, if you want him to. The other ten dollars I still have; and when the account is made up —

Q. (By Gov. BUTLER.) You still have the ten dollars? A. I have the ten dollars.

Q. (By Mr. BROWN.) You are ready to settle your account with the institution at any time? A. At any time.

Q. Now, about the calves; ever sold any calves? A. I have sold but very few. There have been some sold there, but I was rather opposed to selling bob veal.

Q. Did you ever know, Captain, that a calf was sold on that farm and the money was not properly accounted for? A. Well, sir, I will tell you what occurred. On one occasion Mr. Poor, my man, who had been employed as head farmer for some twenty-two years, came to me one day and said that he had been selling those little bob calves, as he called them, and had taken the money and bought tobacco with it, to give to the inmates. Said he: "Captain, you know how much work we can get done for a little piece of tobacco; and I have been using it in that way." I remonstrated immediately, and said to him: "Mr. Poor, if anything is sold for money, that money should go into the treasury of the Commonwealth. Nothing should be sold, not a cent's worth, where the money is not accounted for."

Q. Was that the first time your attention was called to it? A. That was the first time I knew anything about it.

Q. Do you know these men who have testified here about purchasing calves? A. Yes, sir.

Q. Know them well? A. Well, one of them, — Mr. Pillsbury, — lives within a mile and a quarter of me, and the other lives on the way to Lowell two or three miles.

Q. Have you any knowledge as to whether the number of calves which they said they have purchased, is correct or incorrect? A. I have no means of knowing anything, except that the money that has been paid to me is accounted for.

Q. Is accounted for? A. Yes, sir. Well, there may have been some sold since this investigation.

Gov. BUTLER. Leave out all done since the investigation commenced.

The WITNESS. I think there has been some sold since. Won't you have the money accounted for?

Gov. BUTLER. No, sir. You are —

The WITNESS. Thank you.

Gov. BUTLER. You are only asked about what happened before the investigation. Leave out what has happened since the investigation commenced.

The WITNESS. I have got some money that has been taken since that time.

Gov. BUTLER. You have no business with much.

Q. (By Mr. BROWN.) Mr. Marsh, did you read the testimony of Mr. Dudley in regard to a certain box of dry-goods that was taken by Mr. Manning? A. Taken out of the institution by Mr. Manning — I did; two boxes, was it not?

Q. Now, if, to your knowledge, there was ever a box of dry-goods in that corridor described by Mr. Dudley? A. I never knew of any, sir.

Q. Has there been anything in that corridor? A. I could not say there had not been; but I have no knowledge of any such boxes as he describes.

Q. His description, if I recollect, was in the corridor, on the first floor? A. Near the old men's ward; boxes about three feet square, and weighing about 400 pounds.

Q. Mrs. Thomas, I believe, placed the boxes on the floor above? A. Yes, sir,

Q. Now, was there anything on the floor above which could possibly answer the description given either by Mrs. Thomas or Mr. Dudley? A. I don't know but they might have been made, in their imagination, to have answered their purpose. There has always been two boxes sitting on the floor above. They are there now. I don't know as I should say always, but for a good many years. But the same two are sitting there now.

Q. What are they used for? A. To throw in anything that my wife has wanted to put in them, — pieces of carpets, or anything of that sort.

Q. Are they fastened to the floor? A. I think not; I guess they are moveable.

Q. Are they locked? A. My impression is that they are.

Q. Padlocked? A. I could not say about the quality of the lock, but I think she would be likely to have them locked.

Q. Now, was Mr. Manning in the town of Tewksbury? Did he live there at the time when Dudley says this affair took place? A. I think he was living there then, sir.

Q. Do you know what was his condition of health? A. I know he was a consumptive man.

Q. He died with consumption; when, as near as you can recollect? A. Well, I cannot tell you the date, sir.

Gov. BUTLER. Did Mr. Dudley say that Mr. Manning took them away? He said it was Manning's wagon.

Mr. BROWN. Mr. Manning.

Gov. BUTLER. He knew the wagon, and he knew the rattle of the wagon, and saw the light.

Mr. BROWN. Yes; and he knew the man, too. We will show you that Manning was sick with consumption at that time, and could not have lifted 400 pounds.

The WITNESS. It was as much impossible as it was —

Q. (By Mr. BROWN.) Now, if I recollect, Mr. Marsh, there is no hole in the partition; no door in that partition between the corridor where Dudley put that box, and the hall where the door is, out of which he said the boxes went into the wagon, is there? A. No hole?

Q. No door, no passage-way. A. There is a door on the other side, which is usually kept locked.

Q. But between that corridor and the hall where the front door is, — there is no door through that partition? A. No; they would have to come out that corridor along to this, and then through the front entry.

Q. That is on the back side of the house? A. Yes; there is a door that enters the main entry on the back side of the house.

Q. I am speaking of this corridor near the front door? A. Yes, sir.

Q. There is one back door which goes out-doors? A. Yes, sir.

Q. Is there any door through the partition which leads into that part where your dining-room is? A. No, sir; no, sir.

Q. Is there any way of getting that box out of the front door? It must be taken out-doors from the corridor and then into the main entry-way of your apartments and then out of the front door? A. Yes, sir.

Q. Now is there any other way that it could have been done? He might have rolled it up one flight of stairs and then rolled it down.

Gov. BUTLER. We don't claim that he did it that way. You

need not trouble yourself about that. There is one egress which you haven't located quite.

Q. (By Mr. Brown.) Now, Captain, you have been buying some milk at Tewksbury for your inmates? A. At Tewksbury and other places.

Q. From whom did you buy it? A. Well, do you mean all that I bought?

Q. All that you bought? A. When I went to Tewksbury they were supplied by the North Tewksbury people.

Q. I want to limit you, Captain, because I don't think it is necessary to go into it as extensively as your answer might indicate. I want to limit you to what was testified to by Mr. Pillsbury and others? A. We bought of Mr. Pillsbury for a year and a half, or something of that kind.

Q. Did you ever tell Mr. Pillsbury or anybody else, that the reason why his bid was refused was because it contained a fraction of a cent and it was difficult to reckon it up? A. I think I asked him what he bid that miserable fraction for; I guess those were my words.

Q. "What did you bid that miserable fraction for?" A. Yes, sir.

Q. What was his answer? A. I don't know. He felt—he was very much provoked and said that Mr. Elliot had influenced—

Q. (By Gov. Butler) One of the trustees? A. Yes, sir.

Q. (By Mr. Brown.) Now, at the time when his bid was rejected, whose bid was accepted? A. The parties who had been supplying the milk, which was the town of Billerica, the Billerica almshouse—they used to raise milk to sell—

Q. Now, let us see. Mr. Elliot was one of the overseers of the poor? A. One of the selectmen and overseers.

Q. Was he present and did he have anything to do with the contract for the purchase of the milk? A. I have only given you one of the parties.

Q. Well, take any party that you say you haven't named?

A. The town of Billerica, and one Tewksbury man by the name of Livingston, they were the parties that supplied the milk when he bid for the milk that year. When the bids were considered, Mr. Elliot stated to the board in my hearing: "I am one of the overseers of the town of Billerica. I have said to our board of overseers: if you have anything to do with the delivering of milk at Tewksbury, you must do it by your—

selves. I am connected officially, and I regard my duties to the institution as paramount to this, because I have been there longer. You must make your arrangements without me; I take no part in it." That is what he said he said to them. And he said to our board —

Q. (By Gov. BUTLER.) That is what he said to the overseers? A. Yes, sir; that is what he said.

Q. What he said he said? A. What he said to the trustees he had said to the board of overseers. That is what he said to our board that he had said to their board of overseers. "Now," said he, "I want to stand in the same condition here. I take no action in it. Whatever you do, you do as your judgment dictates, and I take no action in it."

Q. (By Mr. BROWN.) Now, Capt. Marsh, was it the reason why Mr. Pillsbury's bid was rejected, that there was a fraction of a cent there? A. Well, that might have had something to do with it in this: it was so small, and it was known that these parties who furnished the milk furnished the very best quality. Mr. Porter Livingston had long been known as one of the best suppliers of milk in that region, and we thought the other was equally good. We didn't know what we might get from the other parties. There had got to be two or three to furnish it if Mr. Pillsbury's bid was accepted, and we thought it was better to let it remain as it was.

Q. Mr. Dudley was discharged, was he? A. He was.

Q. What were the facts about that? A. Well, there was an accumulation of circumstances about it. I didn't like his management; the trustees didn't like it and had spoken to me once or twice about it, particularly Mr. Nourse.

Q. What was the cause of complaint against him? A. We didn't think he paid proper attention to his duties.

Q. And in what respect did he not pay proper attention to his duties? A. Well, he got very much, before he was discharged, into the habit of going out and playing croquet in the afternoon, himself and wife, and leaving the inmates more or less to themselves.

Q. Where did he go to play croquet? A. Out in the back yard.

Q. Back of the insane building? A. Yes, sir.

Q. You had a croquet ground there for what purpose? A. He had.

Q. Was it an institution of his own? A. Yes, sir.

Q. Brought it there himself? A. I didn't furnish the material.

Q. Did he introduce it within your knowledge, for the inmates, or was it for his own gratification? A. I don't know that ever I saw any of the inmates playing.

Q. He and his wife spent their time there? A. Well.—and others.

Q. Well, what other cause of complaint? A. Well, sir, the immediate cause was for his impudence to my wife. I sent her over for something I saw that I thought required looking over. She said she had been there before; I asked her to go again, and he was discharged for that.

Q. Captain, there has been a great deal said here about Mrs. Marsh not visiting the different parts of the institution. Within your knowledge, how frequently has Mrs. Marsh visited the different apartments of that institution while she has been matron? A. Well, sir, in the early stages she used to visit all for a great many years. She has been a little like myself, growing older every year, and could not get about, the last year or two, so well; and I had a substitute for her in her daughter.

Q. (By Gov. BUTLER.) In who? A. Her daughter.

Q. (By Mr. BROWN.) That is, your daughter Nellie? A. Yes, sir.

Q. (By Gov. BUTLER.) Daughter Nellie? A. Daughter Nellie. When, in 1876, growing out of that investigation, the care of the hospitals, the inside, the medical care, the appointment of the nurses and the discharge of the nurses, and all that sort of thing, was put into the immediate care of the physician, she had nothing to do there, nor had I anything to do with the hospital. It has been, ever since 1876, a double-headed system—two heads to it. We haven't quarreled; we have got along fairly well. Sometimes the doctor would want more than I thought I could furnish on the means I had, and I didn't furnish it. Mrs. Marsh, she is my wife, and perhaps I may be allowed to speak of her.

Q. (By Gov. BUTLER.) Nothing to do with the hospital since 1876? A. What is that, sir?

Q. Nothing to do with the hospital since 1876? A. Except to furnish what was wanted. My wife always had the reputation of being a good housekeeper and an economical woman.

Gov. BUTLER. Wait a moment; I object.

The WITNESS. I don't care; I am going to say that much.

Gov. BUTLER. Pardon me; I think you will be bound by the proprieties of life, sir. You are not in the Tewksbury Almshouse now.

The WITNESS. I am not what?

Gov. BUTLER. You are not in the Tewksbury almshouse now. You will be bound by the proprieties of the occasion here.

The WITNESS. Exactly; I propose to be. But "that old woman" and "old Mrs. Marsh," and all that sort of thing —

Gov. BUTLER. With that you have nothing to do.

The WITNESS. Has been abused sufficiently. '

Gov. BUTLER. I object.

Q. (By Mr. BROWN.) Well, since 1876 how frequently has she been in the habit —? A. But, all over the main part of the house and in the insane building she has been; only for the last year or two she has not been able to go as she used to, by reason of rheumatism. Her daughter, up to the time she died, used to go to the hospital; she could go down on the other floor quite well and comfortably, all where it was her duty to go.

Q. Now, your son Thomas — his wife was matron of the sewing department, up to what time? A. I think 1876; about that.

Q. Now, since 1876, Captain, she has been under no obligation, whatever, to enter that department for the purpose of doing anything, has she? A. She has gone there.

Q. But has she been under any obligation? A. She was not paid anything; she was not hired.

Q. Now, did she go there? A. I guess she attended to it all the time.

Q. The same as she did before? A. As far as I know.

Q. Now, for how many years, without pay, has Thomas's wife been attending to that sewing department? A. Well, from the time she was discharged; from 1876, I think it was.

Q. Some six or seven years. Now I ask you whether Mr. Dudley complained about the Barron woman. I want to know if Mr. Dudley, while he was watchman or while he was in charge of the insane department, ever made to you any of the complaints which he has referred to in his testimony? A. Well, sir, I could not recollect a thing about it.

Q. Have you read his testimony recently? A. I have; and I heard it given, too.

Q. Can you now recollect that you ever heard of them before he stated them upon the witness-stand? A. I cannot.

Q. Now, you know Mr. Barker who came here from Salem? A. Yes, sir.

Q. And you recollect when he was at the institution? A. Yes, sir. I could not tell you the year without referring to the book.

Q. Now, have you ever known, at any time since you have been in the institution, anywhere, — I will put it broadly — that a large number of persons, or any number of persons were bathed in filthy water? A. I heard what he said about them.

Q. Did you ever hear about it before? A. No, sir.

Q. He never made any complaint to you about it? A. He said he did; I have no recollection about it.

Q. Either Mr. Dudley or Mr. Barker? A. Mr. Dudley, in the matter of bathing, had ample tubs.

Gov. BUTLER. That is not the question. The question is whether he made any complaint.

The WITNESS. Barker had two tubs and his pool or pond.

Q. How many tubs did Dudley have? A. There must have been half a dozen and perhaps more; certainly half a dozen. Ain't they marked off on that plan?

Q. You think certainly half a dozen when Dudley was there? A. Yes, sir; in his department.

Q. Now, whose duty was it to have seen that those people were bathed in pure water, good water, if it was not the duty of Mr. Dudley and Mr. Parker? A. That was their business.

Q. There was at that time, all through 1876, 1877, 1878 and 1879, an ample supply of water for bathing purposes, was there not? A. I should say there was, sir.

Q. And there was hot and cold water? A. Yes, sir.

Q. At each of these tubs? A. Yes, sir.

Q. All you had to do was to turn the faucet? A. Yes, sir.

Q. And get either hot or cold water.

Gov. BUTLER. Get cold water or steam to heat it with?

Q. Was it steam or hot water? A. Cold water heated by steam. I think the way they used the pool, in the first part of it, in the hospital where there were two tubs set was, they used to draw the water into what they called the pond or pool and heat it there the night before and then dip it into those bath-

tubs from that pond, so that they could go right along bathing as soon as anybody could be bathed in a tub.

Q. Now, Captain, this man, French Joe; he has been at your institution for a long time, hasn't he? A. Yes, sir.

Q. And he has attended to certain duties; what were they? A. He has had charge of giving out the groceries, and something to do about giving out the shoes; he has given out anything that he may have given out of the clothing upon somebody's order, my own or Thomas's.

Q. Somebody's order? A. Yes, sir.

Q. And he had charge of the groceries and supplies, did he? A. Yes, sir.

Q. Was he able to do that properly? A. He is a very competent man and a good penman.

Q. Did you ever have reason to suppose that he was wanting in integrity or untrustworthy? A. I never did, sir. I never saw anything that led me to think that he was dishonest.

Q. Now, something has been said by one of the witnesses in regard to the sale of stockings and clothing. Did you ever know of any clothing being taken from the institution by the inmates, in that way? A. No, sir.

Q. Did you ever hear from the man who testified, — I think it was the depot-master, — did you ever hear from him, or anybody else, circumstances in regard to that inmate's taking stockings to Lowell to sell, before this investigation? A. I heard the statement of the man Driscoll; that was the first I knew about it.

Q. Are you and Driscoll on good terms? A. The only thing I know is — there is not much terms about it, except I see him and speak to him.

Q. How frequently do you see him? Have you seen him for the last ten years? A. Well, I have not known anything about him until the Boston & Maine ran their branch over there, and he went there to attend the depot.

Q. When was that? A. It must have been running six or seven years.

Q. What I want to get at is this: Has he had any opportunity, without great inconvenience to himself, to have told you that he knew that stealing was going on in the institution, if he had wanted to? A. He might have told me if he had been a mind to.

Q. You have seen him frequently? A. Frequently enough for that.

Q. Do you know where he lives? A. I don't know where he boards; he is a single man, I believe; his business is at that depot — what we call Macy's Crossing.

Q. How far is that from the institution? A. A mile, or a mile and a half, perhaps.

Q. (By Gov. BUTLER.) Is Macy's Crossing only a mile and a half from the institution? A. From two miles to two miles and a half.

Gov. BUTLER. I understood you a mile or a mile and a half.

The WITNESS. No, sir.

Q. (By Mr. BROWN.) Now, Mr. Marsh, I want to know if any such interview as this, described on the 89th page of this record, took place between yourself and Mr. Dudley. The question was: "After you went into the insane department, tell me what was the condition of things, if you saw anything remarkable?" And the answer was: "When we took charge of the insane, Capt. Marsh placed the gate-keeper on the night-watch: for he was so anxious to have us take charge of the insane that he came to me and said, 'Mr. Dudley, I am very sorry to lose you. You and your wife have been very faithful, and have attended to your duties. I am very sorry to lose you, but Dr. Lathrop needs you more over at the insane building, than I do, and I can put some one in your place here, and I will turn you over to him.'" Do you recollect that conversation? A. I think part of that cannot be true, certainly, because Dr. Lathrop had nothing to do with the appointment of anybody over there.

Gov. BUTLER. Nothing to do with the appointment of anybody over at the insane department?

Mr. BROWN. No, sir; not at that time.

The WITNESS. He hasn't now.

Gov. BUTLER. So we have got that fixed.

The WITNESS. He had the medical treatment of that insane department. The others, except those under medical treatment, were treated the same as the inmates; that was the understanding.

Q. Now, Captain, speaking of the beds in the department for the insane, how frequently did you ever examine them? A. Well, I personally haven't been in the habit of examining the

beds. My custom has been to trust that to the attendants and supervisors. They are straw beds. All the beds in the house are made of straw; and I have been in the habit of keeping straw on hand to supply and renew all the beds called for by the different persons having them in charge.

Q. Now, sir, did Mr. Dudley call your attention to this condition of things which, on the 89th page, he says he found in the insane department: "I found the beds in a rotten, filthy condition." Did he ever call your attention to that? A. No, sir.

Q. Never said a word to you about it? A. No, sir.

Q. Then he says further: "They were fairly steaming with filth. I found but one sheet on the beds, with the exception of a very few that might have had two, and some without any." Did he ever call your attention to any such condition of things as that? A. That was all new to me when I heard of it here.

Q. Never heard of it before until he testified? A. No, sir.

Gov. BUTLER. Does he say he did?

Mr. BROWN. No; he didn't say he did; he didn't dare to say that.

Gov. BUTLER. Why not?

Mr. BROWN. Because it was not true, and he knew that we could prove it.

Q. Now, he says, on the 90th page, that there were insane women there without night-buckets. Do you recollect anything about that? A. I don't know what you mean by night-buckets; I used to have vessels there before we had the water-closets, — chambers. They are arranged differently now; they are allowed to pass out from their dormitory into the water-closet.

Q. I want you to tell me one other thing in regard to Mary Barron. Was she kept absolutely without any apparel upon her? A. I never saw her but what she had something on.

Q. Such as what? A. Well, some dress, or something of that kind. It might have been put on for my seeing her, for aught I know.

Q. Were her hands secured? A. That would depend upon where she was, sir. If she was in the basement, she would be likely to be strapped right around here [the waist] to a settee; her hands might have restraints on. She was a patient who would bite and scratch and tear anybody that came near her.

Gov. BUTLER. She was sent from some insane hospital as a harmless insane person.

Q. Did you ever say to Mr. Dudley, when speaking of any of the inmates, children or grown persons, that they were brought there simply to die, that you recollect? A. Well, I don't think that was ever my feeling; I thought they were brought there to be cared for —

Q. I don't ask what you thought. Did you ever use that language to Mr. Dudley? A. I should say no, sir; most decidedly no, sir.

Gov. BUTLER. That answers the question.

Q. When did your daughter Nellie become officially connected with the institution?

Gov. BUTLER. The report will show.

Mr. BROWN. I want to refresh his recollection in reference to something else.

Q. Do you recollect about when it was? A. Well, she spent all her time; at least she spent a good deal of her time in the hospital from the time —

Gov. BUTLER. When she became officially connected with the institution?

The WITNESS. When she had pay, do you mean?

Mr. BROWN. Yes, sir.

The WITNESS. It was some time after her graduation; I don't remember the time.

Q. Do you mean to say that from the time of her graduation she spent a great deal of time in the hospital? A. She was a student of Dr. Nichols and used to assist him a great deal, and used to take a great deal of pleasure in going about.

Q. For how many years? A. It must have been two or two and a half; during her studies. She studied medicine at the New England Female College, here in Boston, and graduated there; and during the time that she spent in studying medicine she was a sort of helper and assistant doctor in the hospital; but she had no pay for it.

Q. One question which I omitted to ask you. When for the first time was your attention ever called to any claim made by anybody, that any deceased person delivered to the Harvard Medical School had not been properly buried after dissection? A. When this investigation began.

Q. When for the first time did you ever hear that any part, or that any skin of anybody had been tanned? I don't care

whether it came from Tewksbury or elsewhere? A. It was here, during this investigation.

Q. Never before? A. No, sir.

Q. Was any knowledge or information ever brought to your attention at any time to lead you to believe there had been any violation of bonds which had been given to the trustees and superintendent of the almshouse on the occasion of the delivery of any dead bodies for dissection? A. Never any.

Q. Now take the matter of the clothing for the inmates. Was there ever any lack of clothing for the inmates? A. There might have been for a short time, but it was speedily supplied. We always intended to keep enough for suitable changes.

Q. You say there might have been for a short time. On what occasion? A. Well, we might have run out of some particular thing that we had to come to Boston to buy. It has been our habit a great many years to buy all the men's clothing. The stock might have been reduced, but I don't remember anything but the fact.

Q. Did you ever hear anything like this, testified to by one witness, that she often saw women shivering with cold when making beds in cold rooms? "Have asked for extra clothing, and Mrs. Marsh would say if there were any old shawls in the baggage-room I could have them; that they could not have new?"

Gov. BUTLER. That was Mrs. Marsh.

Mr. BROWN. Yes.

Q. Did you ever hear any complaint such as that? A. I don't know about any cold rooms, because the house is heated by steam and they are always warm night and day.

Q. Is the steam turned on early in the season? A. It is turned on early; yes, sir; as soon as the weather becomes cold enough so the rooms might be uncomfortable, we are in the habit of running our boiler and having some one sit up and keep the steam on all night.

Q. How early in the season did you put on steam? A. That would depend somewhat on the cold weather; but I should think ordinarily by Thanksgiving time; perhaps before.

Q. I notice, Captain, speaking of heating, there is one bill for coal from Bangs & Horton, made out to you privately, and paid for by the superintendent's check. Do you recollect what the fact was about that bill for coal? A. Well, sir, I never knew anything about it until I heard from it here. I heard of

it at noon, and I came right in and went to Bangs & Horton and asked them what was the matter.

Gov. BUTLER. Never mind, if you never heard of it until the investigation. What you have heard since I object to.

Q. Do you know where that coal went to? A. It went to Tewksbury; was bought for Tewksbury.

Q. It went to Tewksbury; where was it used? A. It was used at Tewksbury almshouse.

Q. How do you know that?

Gov. BUTLER. He said he never heard anything about it until now.

The WITNESS. What, sir?

Gov. BUTLER. Only tell what you know; not what other people said.

The WITNESS. I bought that coal for Tewksbury almshouse, and had no more idea it was going to my private account than I had it was going to yours. I had been in the habit of buying coal of Bangs & Horton for years before they furnished any coal for the Tewksbury almshouse. I went in on two occasions and said: "I want you to send so much coal of such a size"; and I never knew it was charged to me — knew nothing about it. Those bills were put into the almshouse account; they were audited by the trustees and then brought down here, and when it was paid for, it was paid for by a State check; I signed it as superintendent, and I never knew it was charged to me privately until it was brought out here. It was bought by the State and the State used it; every bit of it. You don't doubt it, do you, Governor.

Gov. BUTLER. I have no doubts about it: not the slightest. Because I know where the coal went to, you know.

The WITNESS. You do know?

Gov. BUTLER. Yes.

The WITNESS. So do I. I have just told.

Gov. BUTLER. Well, we will see.

The WITNESS. Not a bit.

Gov. BUTLER. We will see.

The WITNESS. I never sent any coal down to Exeter, Governor, that the State ever paid for; and you know I didn't.

Gov. BUTLER. That didn't go to Exeter.

The WITNESS. I know it didn't; it stopped right there and was used there.

Q. During the twenty-five years you were in the institution

was there any fire at the Tewksbury almshouse, except the fire which was there required by the Commonwealth, either for the inmates or the officers, to be supported by the Commonwealth?

A. Any fire?

Q. Yes; any coal fire; any stove that was run for anybody's benefit except for the benefit of the Commonwealth? A. Never heard of any; don't think there was any.

Gov. BUTLER. I will save you the trouble; I don't claim it there in that way.

Mr. BROWN. The difficulty is, nobody can ever tell what you claim.

Gov. BUTLER. Not beforehand.

Mr. BROWN. That is what gives you a chance to shift your ground so often.

Gov. BUTLER. You can never tell beforehand, because I always want to set you right; but I have traced that coal.

Mr. BROWN. Finish your sentence, please. [To the witness.] Captain, I don't think of anything else. If I have not done my duty by you the Governor will.

The CHAIRMAN. I suppose, Governor, you cannot finish him in fifteen minutes?

Gov. BUTLER. I should think that would be a little faster than I should get on, myself.

The CHAIRMAN. We will adjourn until to-morrow morning at half-past nine.

FIFTY-SECOND HEARING.

TUESDAY, June 26.

The committee met in the Green Room at 9.30 A.M., Senator LORING, of Worcester, in the chair.

The CHAIRMAN. Capt. Marsh, take the chair. Do you know where Mr. Brown is?

Mr. MARSH. I do not; I have not seen him this morning.

[Immediately Mr. Brown came in.]

The CHAIRMAN. Mr. Brown, have you anything further to ask Capt. Marsh?— Proceed, Governor.

TESTIMONY OF THOMAS J. MARSH (*resumed*).*Cross-examination by Gov. Butler.*

Q. Mr. Marsh, you were born in Exeter, I believe? A. I want to correct a statement. Will you allow me to correct a statement I made yesterday before I begin.

Gov. BUTLER. Correct any statement that you wish to correct.

The WITNESS. I wish to correct a statement that I see reported in the paper that I made yesterday. When I went to Tewksbury, Dr. Brown was resident physician and Dr. Hines was a medical student and clerk. I got Hines and Dr. Brown too far apart. I intended to have said that Dr. Wakefield was the successor of Dr. Brown as resident physician, but not to connect him with the delivery of remains for any anatomical purpose.

Q. Mr. Marsh, you were born in Exeter, I believe? A. Yes, sir.

Q. And when did you leave Exeter? A. I should think it must have been about 1830.

Q. What was your business? A. I was a shoemaker by trade; boot and shoe maker—men's.

Q. Working at your trade? A. Yes, sir.

Q. Where did you go from there? A. I went from there to Amesbury Mills.

Q. How long did you remain there? A. I could not tell you precisely, but two or three years—two years.

Q. Still working at your trade? A. Yes, sir.

Q. Where did you go from there? A. I went from there to Lynn.

Q. How long did you remain there? A. I think I left Lynn in about 1850.

Q. In 1850? A. I think so.

Q. Then you spent between 1830 and 1850 either in Amesbury or Lynn? A. Yes, sir.

Q. What business, if any, did you carry on in Lynn? A. When I first went to Lynn I worked as a journeyman; afterwards I carried on the business for myself.

Q. Was that all the business you did in Lynn? A. I worked at that most of the time I was in Lynn.

Q. That may be and still leave a pretty large margin when you did something else? A. Oh, yes; I was in a grocery store some years.

Q. How many? A. I should think four or five.

Q. Four or five years. Before or after you carried on your business as a shoemaker? A. After.

Q. The shoemaking business was not very successful, was it? A. Well, it was not, in 1837 nor 1842.

Q. I asked your business. Please, now, you may as well omit jokes; we are not joking now. A. I meant to answer your question exactly as I understood it.

Q. I asked whether your shoemaking business was successful or unsuccessful? A. No, sir; it was not.

Q. It was what? A. Unsuccessful.

Q. I supposed it was. Then you went into the grocery business. In what form did you go into the grocery business? A. I went in as clerk.

Q. Did you come out as clerk? A. Yes, sir.

Q. Next you got an appointment. Where did you go from Lynn? A. I went to Boston, into the custom house.

Q. As what? A. Weigher and gauger.

Q. How long were you there? A. In different capacities eight or nine years.

Q. You must have gone, then, before 1850? A. I said I left Lynn in 1850, sir.

Q. If you went into the Boston custom house and remained eight or nine years — A. Allow me to explain, for I want to get it right. You asked me when I left Lynn, and I answered in 1850. I was appointed to the custom house in Boston in 1846, January 1st.

Q. Now I understand. Were you appointed to anything else down in Lynn? A. Yes, sir; I was postmaster once.

Q. You were postmaster in Lynn? A. Yes, sir.

Q. How long? A. About two years, I should think it was.

Q. You forgot that when I asked you what you did in Lynn? You forgot that? A. I forgot?

Q. You forgot that? A. Well sir, you will allow me to think of it all, won't you.

Q. Very well. You were postmaster in Lynn from what time to what time? A. I was appointed in 1839, about this time of year, and remained until a change of administration — was it 1841? Gen. Harrison's administration, I think.

Q. He came in in 1841, and lived thirty days? A. Yes, sir; then about the time he died I was removed from the office.

Q. Then you went to Boston, into the custom house? A. No, sir. I went then into the grocery business.

Q. You then went into the grocery business as clerk? A. Yes, sir.

Q. And what was your salary at the custom house? A. As weigher and gauger it was \$1,500.

Q. What was it when you first went in? A. The same.

Q. You were on \$1,500 salary all the time you were there? A. Yes, sir.

Q. And you stayed there until 1853? A. I stayed there until, I should think, Mr. Peasley came; I think it was in his first year that he was collector.

Q. Gen. Peasley was appointed collector in March, 1853; and you left in October, didn't you? A. I could not tell you the month, sir.

The CHAIRMAM. Speak a little louder.

Q. You left the custom house in October, 1853? A. I could not have told, sir.

Q. Very well. Where did you go then? You were living in Boston at that time? A. I was living in Boston; yes, sir. No. I am not sure whether I was living in Boston or in Waltham; I went from Boston to Waltham.

Q. What did you do in Waltham? A. Well, I used to live there and do business in Boston. The next business I did after leaving the custom house I went into the retail boot and shoe trade right near the Revere House.

Q. In what capacity? A. Well, sir, I bought the stock of a man who had died.

Q. How much? About how much stock? A. My recollection is about three thousand or four thousand dollars' worth.

Q. How long did you carry on that business? A. Well, I was there until I was chosen treasurer of the State.

Q. Let us see. 1853 — you were chosen treasurer in Gardner's first administration, were you not, and you were one year in that? A. Yes, sir.

Q. Then you could not have carried on that business long, because you left the custom house in 1853? A. No, sir; but that is the fact, I believe.

Q. And where did you go then? What did you do then? A. Let us see —

Q. We have got down now to 1855 or 1856? A. I think for one summer, perhaps a year — I don't know how long — I was secretary of the Republican state committee.

Q. On what salary, sir? A. Well, sir, I think it would be pretty hard to tell.

The CHAIRMAN. The salaries were smaller then than they are now.

Gov. BUTLER. I have no knowledge; I never held office in that body; I don't know what it may be.

Q. What was your next business? A. Let us see. We have got down to 1856.

Q. Yes, we have got to 1856; that was during the Fremont campaign. I know your history pretty well, sir. Go on. A. Well, in 1856 —

Q. That was the year you were secretary of the Republican state committee? A. Was it?

Q. Yes. A. I think that year I was a delegate to the Fremont convention in Philadelphia; then I spent considerable time in Pennsylvania during the election, etc.

Q. Well, very good. What is the next business you had? A. The next thing, I spent the following summer in Kansas.

Q. Where? A. In Kansas.

Q. What doing there? A. Well, I was assisting to make it a free State, as far as I could,

Q. Employed at any salary? A. Well, sir, I had compensation.

Q. Well, what compensation? A. I suppose that is a private matter, Governor.

Q. Well, no; oh, no; making a State a free State is a pretty public matter. A. That was.

Q. Very well. And the compensation for it, I should say, was equally public. Well, now, then, we will come down to it. In 1858 you were appointed by Governor Banks to this almshouse? A. Yes, sir.

Q. In all this business will you tell me what particular thing that you had done, you think — never mind what he thought — you think qualified you for this particular position.

Mr. BROWN. I object to the question. I don't see what business that is of ours — what he thought his qualifications were.

Gov. BUTLER. Certainly.

Mr. BROWN. That is the very question you objected to, yesterday.

Gov. BUTLER. Oh, no, sir. Pardon me. I objected yesterday to what this man thought about the law.

Mr. BROWN. Yes. And now you ask what he thought were his qualifications for a public office created by law.

Gov. BUTLER. Yes, sir. That is not the law.

The CHAIRMAN. I don't see how that is competent.

Gov. BUTLER. I am trying to find out what qualifications he had to carry on this large establishment.

The CHAIRMAN. What you and I think may be competent, but what he himself thinks — I don't see how that is competent.

Gov. BUTLER. Why not? He knows more than you and I both about it.

The CHAIRMAN. I don't know.

Gov. BUTLER. I have got the very best witness. Other people may be mistaken; he cannot be.

The CHAIRMAN. The committee will do what they will with it; I will submit it to the committee.

Gov. BUTLER. I want to ask him what qualifications — what business he has had, or what qualification he had for this particular office about which we are having this investigation, to carry on this large establishment.

[The question was rejected; one vote for, four against.]

Q. Well, had you any?

The CHAIRMAN. I suppose that is the same thing.

Mr. BROWN. Well, I object to it.

Gov. BUTLER. Well, I insist upon it.

The CHAIRMAN. Will the committee admit it?

[The question was rejected; one to three.]

Gov. BUTLER. Well, then, we will take it that he hadn't any. I was as willing it should be put there as anywhere.

Q. Now, sir, in 1858 what, — of whom did your family consist when you were appointed to this office? A. I think it consisted of my wife, my father, four sons and four daughters. — I beg your pardon, sir; while I lived in Boston one daughter was married in Waltham.

Q. Wait a moment. I will come to that, — where they were. Your whole family — never mind where they were — consisted of your wife, yourself, your father, four sons, the oldest of which — A. Mrs. Davis.

Q. Ah! and four daughters, the oldest of which was Mrs. Davis, then married; who was the next in order of age? A. I would say that there have been nine children born into our family; the second child died. Now the next one was —

Q. Was this child born in 1858? A. No, sir.

Q. Very well. In 1858 when you went there. Which was the next in order of age? A. Thomas.

Q. The next? A. Mary F.

Q. Now Mrs. Atwood? A. No, sir; Mrs. Hanson.

Q. Mrs. Mary F. Hanson. Who next? A. A. J. Marsh.

Q. What? A. A. J.

Q. What does A stand for? A. Adoniram.

Mr. BROWN. Adoniram Judson.

Q. Adoniram Judson — A. J. Marsh? A. Yes, sir.

Q. Who next? A. Catherine. Mrs. —

Q. Atwood? A. Atwood.

Q. Who next? A. Helen M.

Mr. BROWN. That is the one we have called Nellie.

Q. Who next? A. Charles B.

Q. All right. Now, Mrs. Davis — A. One more you haven't got.

Q. Oh, one more; who was that? A. William H.

Q. William H. Do I understand you? A. Yes, sir.

Q. Now, in 1858, how many of your daughters were married? A. One.

Q. That was Mrs. Davis? A. Yes, sir.

Q. And she was then in your family? A. No, sir; she was living in Waltham at that time,—in 1858, you said.

Q. You were living in Waltham then? A. Yes, sir.

Q. Now, up to the time of your appointment, wasn't she living in your family then? A. No, sir; keeping house herself.

Q. With her husband? Had he left then? A. With her husband.

Q. How soon did he leave? Whether he hadn't left before?

A. I think I have got the thing mixed.

Q. Well, now unmix it. When did the husband leave?

A. I think it was in 1856.

Q. He had been gone two years, and left your daughter on your hands? A. No, sir.

Q. Well, on whose hands did he leave her? A. She was keeping house herself.

Q. How many children? A. One, I should say; I guess two.

Q. Two? A. Yes, sir.

Q. She hasn't any more than two, has she? A. No, sir.

Q. He never has returned,—the husband? A. Well, he has been in this quarter of the country.

Q. But never returned? A. Never returned to live.

Q. And he left her without means? A. Not quite.

Q. Pretty nearly?

MR. BROWN. I would like to know what this is to us,—whether Mrs. Davis has means, or whether she has not, in 1858.

GOV. BUTLER. I am now on the cross-examination of this witness.

MR. BROWN. I don't care if you are. There are certain limits to cross-examination; there was when you were cross-examined before a congressional committee, I notice.

GOV. BUTLER. No, sir; there was no limit then.

MR. BROWN. You objected to having your private affairs gone into, and the committee sustained your objection.

GOV. BUTLER. No, sir; I did not. That is another newspaper slander, which mean men take up to talk about. Now quit.

MR. BROWN. I found it in the "Congressional Record" this morning.

GOV. BUTLER. You haven't found it there, sir.

The CHAIRMAN. I suppose the governor proposes to show that this man and his family had nothing, and have grown rich out of the State.

Gov. BUTLER. Now I don't want any impudence or abuse.

Mr. BROWN. I shall do my duty without regard to your wishes in any way, shape or manner.

Gov. BUTLER. It is no part of your duty to slander me.

The CHAIRMAN. On that ground, I think it may be competent.

Mr. BROWN. On what ground?

The CHAIRMAN. On the ground that this man and his family had nothing, and have grown rich out of the State.

Mr. BROWN. Well, but, Mr. Chairman, what business is it of ours what means Mrs. Davis had in 1858? He went to Tewksbury in 1858. Why inquire into her private affairs in 1858?

The CHAIRMAN. Mrs. Davis was his daughter —

Mr. BROWN. And didn't live in his family.

The CHAIRMAN. It is proper for him to show —

Mr. BROWN. Pardon me. The testimony is that she didn't live in his family; for that reason I objected to it.

Gov. BUTLER. I am going to show that she immediately became a member of his family, and he supported her.

Mr. BROWN. That is another matter. But whether she had means, how much money she had, where she lived in 1858, when this witness went to Tewksbury to take possession of the almshouse, it seems to me is an entirely irrelevant matter; and the witness might well reply that he would object to answering it.

Gov. BUTLER. Well, when he does, it will be time enough to deal with that. The chairman divined the reason. I mean to show, what is true, — and I am far more kindly disposed toward Mr. Marsh, in going into his family matters, than I might be; I want to show simply, not what made her absolutely poor, — because I know what made her absolutely poor, — not why Davis went, but simply the fact that he went away; and I have not said what for, because it is not the fault of Mrs. Davis, nor is it the fault of Capt. Marsh. He went away, and left this family on his hands, and he had her to support; with such help, I have no doubt, as Mrs. Davis could give. And if it is insisted that she had much money, I can settle that in two minutes, that the amount was small.

The CHAIRMAN. Will the committee admit the question?

MR. CHESTER. I would like to have the question stated.

GOV. BUTLER. The question is whether Mrs. Davis was dependent upon Capt. Marsh for support, substantially, at the time he was appointed to take charge of the almshouse.

MR. BROWN. I pray the judgment of the committee; that was not the question.

THE CHAIRMAN. The question was, what means she had.

MR. BROWN. In 1858, when Capt. Marsh took charge of the almshouse.

GOV. BUTLER. It is only another form.

THE CHAIRMAN. It is the same thing.

[The question was admitted, 4 to 3.]

Q. Now, Capt. Marsh, I want to come to it. I want to treat you fairly. A. I am perfectly willing to answer.

Q. Whether Mrs. Davis and her children were not substantially left upon your hands? A. No, sir; they were not.

Q. Didn't you bring up the children? A. I took considerable interest in the oldest one —

Q. Ettie — A. — because she showed a tendency to music. I assisted her in that.

Q. Well, we will follow it right out. How many years did she take lessons in music in Boston? A. I should think in the neighborhood of two years, or about two years.

Q. Did she board at Tewksbury while doing so? A. A part of the time she did.

Q. Didn't she the most part of the time? A. Well, I wouldn't say she didn't; the majority of it.

Q. And went regularly to Boston on the cars? A. Yes, sir.

Q. You paid the expenses, I suppose? A. I did.

Q. Now, the other daughter — How long did Mrs. Davis live in Waltham? A. I think they lived there until 1870.

Q. What doing there? A. Keeping her house and living there.

Q. Did the other daughter live there? A. The younger daughter was with her; yes, sir.

Q. Part of the time at Tewksbury? A. Not very much. She used to come occasionally to see us.

Q. Now, then, what was the name of that daughter? A. Gertrude Leonora.

Q. What was she called for short? A. Gertie.

Q. Now, then, Mrs. Hanson? A. Yes, sir.

Q. Rather, Mrs. Atwood, — was she married at that time?

A. What time do you mean, sir; 1870?

Q. No, sir; I mean 1858. A. No, sir; she was married after that.

Q. Did she go with you to Tewksbury? A. No, sir.

Q. What time was she married? Where did she live, at the time you went to Tewksbury? A. She, I think, was living in Brooklyn, N. Y.

Q. She went to Brooklyn? A. After she was married she lived a time in Waltham, a short time, and then went to Brooklyn, N. Y.

Q. Was she married before or after you went to Tewksbury? I understood you to say she was not married before. A. She was not married when I went to Tewksbury, but she was married at Tewksbury — I don't mean at Tewksbury; I mean at Waltham.

Q. How long after you went to Tewksbury? A. Really, I couldn't tell you.

Q. Did she live with her sister or live with you? A. She lived with me, sir, until she was married, at Waltham.

Q. Now, then, did she go to Brooklyn before she was married? A. No, sir.

Q. Very well. Then she lived with you either at Waltham or Tewksbury until she was married? Now, how many children had she? A. She has now three children — two sons and a daughter.

Q. Did Mrs. Atwood ever live at Tewksbury? A. She has.

Q. Keep house, there? A. Yes, sir.

Q. What years? A. I should think it was a part of the year 1869, but I am not quite sure. I think it is about that, sir.

Q. Did she live in the institution at any time? A. At the institution? No, sir; she lived up in the neighborhood of Mr. Huntington's (?).

Q. I know. That was only about a year. Did she ever live at the institution? A. No, sir.

Q. Ever live in your family there? A. At Tewksbury?

Q. Yes. A. No, sir; only as a visitor.

Q. Now, your father went with you to Tewksbury? A. No, sir; never was there.

Q. When did he die, sir? A. He died in 1864.

Q. He was with you at Waltham? A. Yes, sir.

Q. Dependent on you for support? A. He was.

Q. You supported him? A. I did.

Q. Any of your wife's relations with you? A. Where, sir?

Q. At Waltham? A. I think my wife's sister, who afterwards was cook at Tewksbury, assisted my wife in her work for a year or two at Waltham.

Q. Did she go with you to Tewksbury? A. No, sir.

Q. Was she dependent upon her own exertion or upon you to support her? A. Well, sir, she was quite able to make her own living, always; laid up a little money.

Q. Mrs. Hanson — did she go with you to Tewksbury? A. She did.

Q. Married there? A. No, sir.

Q. Where was she married? A. Married in Waltham.

Q. Married before she went? A. Yes, sir.

Q. Did she go with you to Tewksbury — was she there? A. What, at Tewksbury?

Q. Yes? A. No, sir; she was married in Waltham before I went to Tewksbury.

Q. Very well. How many children did she have? A. She has living three children; but she has had one or two that died.

Q. Helen went with you to Tewksbury? A. Yes, sir.

Q. She never was married? There went with you to Tewksbury Helen and the two younger boys? A. That is what I took with me. I put both of the boys at Exeter at school, and Charles stayed there and fitted.

Q. One moment. Let us get this in the way as I want it. Now, after you got to Tewksbury was Charles put to Exeter to school? A. He was.

Q. And fitted for college? A. Yes, sir.

Q. And the other boy next to him? A. He went to Exeter at the same time. I put them both at Exeter at the same time.

Q. And both fitted for college? A. No, sir; the other didn't like, and came back.

Q. He came back? A. Yes, sir.

Q. Did he go to college at all? A. No, sir; he spent his minority days in Sam. May & Co.'s hardware store; with Sam. May & Co.

Q. Who was that? A. Adoniram,

Q. Was that Adoniram? A. They were both there, Adoniram and William, too.

Q. Did William fit for college? A. No, sir.

Q. And then we had Charles B.; he was fitted? A. He was fitted, entered college, and went through his junior year.

Q. He was three years in college? A. Yes, sir.

Q. Well, we have had some testimony here, Capt. Marsh, that these young men's washing was sent home to be done at Tewksbury? A. Is that so?

Q. Yes, that is so. How was that? A. What young men do you mean, Governor?

Q. I mean those in college and those who were in Exeter, both? A. Well, I didn't know that they had.

Q. You didn't know it. Did you know whether it was so or not? Because that is a thing that went along a good while?

A. I should not think it was, but I won't say certain.

Q. Don't you believe it was? A. No, sir; I don't.

Q. Why not? A. Because I paid their board at Exeter.

Q. I know you paid their board, but paying board — A. I will tell you what I think; because I think it would have cost as much to send it back and forward as to have it done in Exeter.

Q. So do I. But if you have a great deal of coal over the railroad they sometimes give you free passes? A. What, sir?

Q. Sometimes railroads, where you do a great deal of business over them, give free passes to customers? A. Well, sir, I was not that fortunate.

Q. You were not? Then we won't go into that any further. The only reason why it was not done, why you don't believe it was done, is because the cost would have been more than to have paid for the washing? A. Well, sir, I think I should have known it if it had been so.

Q. Didn't you know it? A. I did not.

Q. They didn't let you know much about what was going on? A. I guess they did.

Q. What? A. I guess they did.

Q. They didn't let you know that? A. They couldn't if they didn't do it.

Q. But there are people who swear they did the work. Well, now then, who of your grandchildren was fitted for college at Exeter? A. Who fitted for college?

Q. Yes, sir. A. Two of them.

Q. Which were they — Mrs. Davis's or Mrs. Atwood's? A. I said, yesterday, there wasn't any Davis boy. There were two Atwood boys, two brothers.

Q. And they fitted for college and have been in college and graduated? A. One is to graduate this week — to-morrow.

Q. Now, then, let us go to another matter. Mr. Atwood, for some good cause, left Mrs. Atwood — or some bad cause — to take care of herself? A. I don't know as I understand you.

Q. Mr. Atwood left Mrs. Atwood soon after, not a great while after marriage? A. Did he? I didn't know it.

Q. Didn't he? A. I was not aware of it.

Q. Where is he now? A. Well, sir, he has been dead a good many years.

Q. What time did he die? A. I could not tell you the year he died. I was at the funeral. He died at his brother's house, in Portland.

Q. Was he living in Portland at that time? A. Yes, sir; he had been for some time. If you want the facts in the case, he was an intemperate man, Governor.

Q. I didn't care to bring that out; I only wanted to show that he left your daughter on your hands, substantially. A. That is it, exactly.

Q. I was trying to get at it as easy as I could; I know all these facts. A. Well, sir, so do I; I am perfectly willing if you want them brought out.

Q. I didn't care to bring it out. You are not responsible for his habits. I only wanted the fact that you had these people on your hands. Well, he didn't leave any money, I take it? A. Not that I know of.

Q. Then this fitting out at Exeter and educating in Harvard has been your work of kindness towards your grandchildren? A. I have spent my life, thus far, and my earnings in taking care of my family, Governor — father and mother, and any that needed my help.

Q. That is exactly what I wanted to ascertain. A. I have told you, freely.

Q. Yes, very freely. Was your mother — a portion of the time did you have her to support, too? A. I did, a few years before she died. I assisted my father and mother in Exeter. That was before I went to Tewksbury, however.

Q. Well, sir, I think we have got about it. And you also brought up those girls? A. I brought up the Atwood girl.

Q. And the Davis girl? A. No, sir; her mother took care of her.

Q. Didn't you aid any? A. I might, a very little; but small, sir.

Q. You did something? I believe, now, we have got the whole? A. I would say that while my father lived, after I went to Waltham, and left Waltham, myself and family, for Tewksbury, my father boarded with Mrs. Davis and I paid his board.

Q. And your mother, too? A. My mother died in 1851. My father lived in my family for thirteen years.

Q. Now, Capt. Marsh, did you write — did you, yourself, compose and write these reports, so far as they are signed by Thomas J. Marsh? A. They are my reports.

Q. I didn't ask that. Will you answer my question? Did you, yourself, compose and write these reports? A. Not all of them; some I did entire, and some I did not.

Q. Pick out one you did entire. A. One I did what?

Q. Entire. A. There are several there.

Q. Well, if there are several, it will be easier to pick them out? A. [Referring to the annual reports of the institution.] I think there are two bound together, here, somewhere. My first report I was looking after. [Selecting the report of 1858.] That is my first one.

Q. You wrote this one, did you? A. Yes, sir; I wrote that one.

Q. Give us another. 1859. A. That is 1858, is it not?

Q. Yes; October, 1858. Then we have got 1858. Have you got 1859 there, sir? Did you write that, sir? A. Well, there is not much in that; I wrote that while the trustees or inspectors were together.

Q. I have no doubt. Any other? A. Oh, I wrote the body of a good many of them, Governor.

Q. Well, we will see about the body of a good many of them? A. You see them here.

Q. I want to call your attention to these three. Give us any more. Because I observed a very great peculiarity in your examination on these reports, and I want to ascertain? A. There is scarcely a report here that I have not written more or less of. There are some corrections. I didn't never set myself up to be a scholar; I hadn't the opportunities.

Q. Pardon me; I am not asking you that; it is not your fault. I only want to get at the fact? A. Well, the fact is

that in the main the substance of the reports was mine — my suggestions.

Q. Well, whether the suggestions were yours or not, I want to know whether you composed and wrote the reports? A. Well, some of them my son Charles assisted me on. He is a good deal better scholar than I am. I will tell you. I have usually sat down and taken paper and pencil, or pen, or whatever it might be, and written just what I wanted to say, as near as I could get at it. Then I have had it corrected.

Q. Well, you have had it written out? A. I have written almost every one of these reports; I mean I have written what I wanted to say.

Q. What you wanted said in them; but the composition of the reports was left to the hands of Charles? A. Well, in part.

Q. And to Thomas? A. Somebody else.

Q. Somebody else? Who else, besides Charles? A. Well, anybody I could get hold of for the time being that I thought was a better scholar than I was to put them into shape.

Q. Did the doctors ever write them? A. I don't remember; he may have done so.

Q. The doctors wrote some of them, didn't they? A. I don't remember.

Q. Why I ask you is that we have spent a whole day asking what you meant by such language? A. Yes, sir; and I told you as near as I could.

Q. I know, and I saw that you were troubled a little — A. Not much. The only trouble I felt about it was the thought what suggested it to my mind.

Q. You mean for the use of that language. Now I want to take one in 1874 which I looked at at the time, I remember. Why I thought somebody else must have written these reports was this: that you were asked what you meant by this language. This is the language of the report: —

“We are still receiving almost every week troublesome cases of delirium tremens, and I would again call your attention to the fact that we have no suitable place for confining or restraining them. I am satisfied that some improvement in the quarters for this class should be made as soon as practicable.”

That was printed, and then the table which was printed at the same time showing the causes of death, the whole number,

the sex, the mental condition, the number in each month, and the ages of those who have died in the Tewksbury state almshouse from October 1 to September 30, also the whole number since the opening of the institution, shows that there have been two cases of delirium tremens? A. Cases of death?

Q. Yes, sir. A. Well, perhaps they didn't all die that became afflicted.

Q. But I don't find any cases among those diseases of delirium tremens except those? A. I understand, Governor, that that is not made by myself; that is the doctor's report.

Q. I wanted to get at the discrepancy. He puts down the cause of death? A. He would not say anything that I know of about their being admitted for delirium tremens.

Q. No, he does not. A. They might recover from that, and probably did; but we had a good many cases.

Q. And he also don't put down that among the diseases they had independent of the cause of death, that I can find? A. I don't know sir; that is the doctor's report and I am not responsible for that.

Q. It is not of any consequence except to show the discrepancy between the language of the reports; and therefore I didn't believe you made it. Then, all this fine writing we have in these reports, is not yours but belongs to somebody else? A. No, sir; I don't say any such thing. I expect I have written some good things there.

Q. Well, there are attempts here to quite a rhetorical style. A. Is there?

Q. Yes. That is not yours, for the reason you have stated. Now, Mr. Marsh, will you tell me whether you have always given—whether you gave, in 1862, good wholesome food to the people in the almshouse? A. My purchases will show what the supplies were.

Q. Pardon me; they will show what the supplies were, but not what the quality was. A. I have always bought the best of the kind.

Q. Will you answer my question? A. I will try, if I can remember what it is.

Q. Didn't you hear it? In 1862, did you furnish good wholesome and sufficient food to the people in the almshouse?

A. I did the best I could with the means I had to do it with.

Q. Didn't you have means enough? A. No, sir; never have a year I have been there.

Q. Have you ever, in all these reports — I see you ask for barns, silos, tanks, buildings and water; has there ever been any complaint in all these reports during all these years to the legislature that you hadn't money enough for food; if so, won't you say which report it is in? A. Those complaints have been made either before the finance committee —

Q. Now, understand my question and answer it. Did you ever make complaint in all of these voluminous reports, during the whole time, that the legislature hadn't given you sufficient money for food? A. I think there is in one of them.

Q. Which one? A. I could not tell you, sir; but I am quite sure there is in one of them — the only time I remember I ever did.

Q. When was that? A. I cannot tell you the year, Governor.

Q. Well, about how long ago? A. It is useless for me to attempt to remember. It is there sometime. If I had time enough I could find it.

Q. Take your own time by-and-by, don't stop now. Then, with one exception, although you now swear you have never had money enough for food, you have never complained, in one of your reports, that money enough for food was not given? A. I have done that, as I said, before the finance committee.

Q. But while you put silos and piggeries and other matters in your reports, why not put the very vital thing — food — in your complaint? A. I said this —

Q. Answer my question. Stop a moment. It is not when. Answer my question. You complained, and asked the legislature in your printed reports for money to build piggeries, for money for paving, for money for barns, for money for silos, for for money for reservoirs; and you never asked for any money for food in your report? A. Yes. I don't know that I specified food, but I asked for money for running expenses.

Q. It is true that you never did ask for money for food, is it not? A. I think you will find it once.

Q. Well, except once? A. Yes. And I told you the reason I didn't put it in the report.

Q. And you swear here to this committee that you never have had, ever since you have been there, money enough for food? A. I say this, that the committee on finance had heard

my statement and had heard the statement of the trustees. Governor; they had been —

Q. Stop a minute. Stop a minute. I won't have what you and the finance committee have said? A. And the trustees —

Q. Neither you nor the trustees. I am upon what was done in the recognized manner, which we spent two days in going over here? A. Yes, sir.

Q. Now, sir, you have now testified that you haven't asked for food in these reports, except in one instance? A. I said I didn't remember more than one instance.

Q. Do you believe you have in more than one instance? A. I would not say that I had.

Q. Very well. And yet you come here, and when I ask you if you supplied good food to the people in the almshouse, you said you had, according to the means you had; and you had never had means enough? A. Yes, sir.

Q. Very well, we will leave it there if you choose. Now, sir, with the exception of barns and improvement on buildings haven't your requests, all the requests in these reports, been granted? A. No, sir.

Q. Such as what that has not been? A. I named one yesterday — the high-service water reservoir.

Q. Well, high-service reservoir? A. Yes, sir.

Q. Well, I didn't want to make a long story of it, so I said improvements on buildings, or something of that kind. What else has been refused to you by the legislature except that it didn't go in for silos, on the first time trying, barn, and improvements on buildings? A. I think they did go for the silos the first time trying.

Q. Yes, you got the silos out of that appropriation of six thousand dollars — and accompaniments. A. Fifty thousand dollars?

Q. Six? A. No, I guess not.

Q. Oh, yes; oh, yes. A. Oh, no.

Q. Now, with the exception of those classes of things, tell me what the legislature ever refused you? A. Well, they have usually cut down our appropriation.

Q. Well, I agree to that. A. Our estimate.

Q. Pardon me; cut down your estimate? A. Yes, sir.

Q. And you had those things in your estimate. Now, I say again — answer my question directly, Capt. Marsh, if you will — A. I will try to.

Q. This is it: with the exception of the class of improvements that you were talking about, tell me what has been refused you by the legislature? A. The money that has been asked for to use —

Q. Will you answer my question? A. I don't know —

Q. Now, answer it. With the exception of that sort of improvement about the place, tell me anything that you have asked the legislature that has been refused? A. I don't know how to answer. I don't know what you want, Governor; if I did I would try to tell you. I asked this year, — our estimate asked for \$95,000 and we got \$90,000. Last year we had \$93,000. You cut us down, this year, three thousand from last year; and our estimate has been based every year, for quite a number of successive years, upon the expenditure of the preceding year.

Q. Well, now, you have undertaken to say what is not correct when you say it — A. What is that?

Q. Because you have got \$93,500 this year. A. Will you allow me to say that \$3,500 of it is a special appropriation.

Q. I agree to that. A. I am talking about my running expenses.

Q. Your running expenses; very well. If that has been done with the running expenses, have you ever called the attention of the legislature, in reports the next year, that your running expenses had been cut down and the money was not sufficient? A. In one instance, I remember.

Q. And you cannot tell within ten years when that was? A. I would not undertake it, because it is a matter of record and I would rather search for it.

Q. Now, sir, have you ever called for any attendance? Have you ever called their attention, in these reports, to the want of more help in the shape of attendance upon the insane?

[Recess. Subsequently question read to the witness.]

A. I don't remember that I ever did.

Q. Now, in regard to the building; did you not yourself recommend to have a building built and to have the insane brought there? A. I didn't recommend that building. I told you, yesterday, I recommended a smaller one.

Q. Well, didn't you recommend that the insane should be brought to Tewksbury? A. No, sir.

Q. Sure about that? A. Quite sure.

Q. Didn't you recommend to the legislature that the insane should be brought from the insane hospitals to Tewksbury, saying they could be cared for there at \$52 a year, while they were costing \$150, or somewhere thereabouts, in the insane hospitals? — Excuse me, just answer my question. A. I said, yesterday —

Q. Leave out what you said, yesterday, and answer my question. A. I might have used that language.

Q. Didn't you recommend in so many words to the legislature, the sending of these insane to Tewksbury? A. Those are my reports; I recommended whatever you find in them.

Q. Well, you did recommend it. Now, didn't you not only do that, but recommend it before the finance committee yourself? A. I don't remember going before the finance committee at all on that, sir.

Q. And, therefore, the insane were sent there; and the buildings were built to accommodate them, in sequence to your report? A. Well, I stated how the buildings came to be there.

Q. Will you answer my question? A. Well, sir, I never got that impression.

Q. What? A. I never got that impression.

Q. You advised they should be brought there, and now you have no impression they were brought there on your advice. They were brought there? A. I could tell you just how that was done if I could be allowed.

Q. I have no doubt, sir; but I want an answer to my question. A. I have given you the best answer I can, sir.

Q. Very well. Now, Mr. Marsh, I shall be able to relieve you pretty soon. Up to what time did you burn — up to some time you burned rye and barley, and used it for coffee, did you? A. Yes, sir.

Q. Up to what time did you do that? A. I should prefer to refer to the purchase-book, because that will tell you when I began to buy coffee. I could not tell you, Governor, positively, without referring to the purchase-book. That will show.

Q. Well, let us have the purchase-book. A. The bill-book. You have it here somewhere. [The book was sent for.]

Q. I will pass from that a moment. Did you burn it in the

institution, or buy it burned, or have it burned outside? A. The coffee, do you mean?

Q. I mean the grain. A. I think, when I first went there, it was bought —

Q. Answer my question. When you used this burnt grain for coffee, did you burn it in the institution, or buy it burnt?

A. We sometime began to burn it in the institution. I cannot tell when—because we had apparatus put in for burning it.

Q. Apparatus put in for burning it? A. Yes, sir.

Q. About how many years was that after you went there?

A. I should think eight or ten years.

Q. Then, before, you burned it in the institution — A. Let me correct that; I don't know but the burning apparatus was put in to burn coffee, — that I bought.

Q. I am asking about — A. Burning the rye?

Q. Burning the rye or other grain. Will you answer my question and stop? A. I will try to.

Q. Very well. Now, when was it? A. I am not sure that I ever burned any rye in the institution.

Q. What? A. I am not sure that I ever burned any rye at the institution.

Q. Did you burn any other grain? A. I am not sure that I did. I am rather of the opinion that I bought it all burnt.

Q. One moment, sir. You bought the rye and grain all burnt, and brought it into the institution as prepared coffee. Under what name did that stand in the accounts? A. Well, I could pick out every one of them by seeing them: I cannot tell you without.

Q. Did it anywhere in your accounts appear as burnt rye, or burnt grain? A. I am not sure that it does, sir.

Q. Don't you know that it don't? A. No.

Q. Well, we have had your bills examined for a good many years. A. Yes; I know it.

Q. Both by your expert and ours, and they have made reports. They have made no report of burnt grain anywhere.

A. Well, we certainly had it, Governor.

Q. What? A. I don't know; we may have burned some at our place; I am not sure.

Q. You don't know whether you burned it there or not? A. I know we used it there.

Q. Now, don't it appear on your accounts as coffee, — on your oath? A. Burnt rye would never be entered as coffee.

Q. I don't know whether it was burnt rye or burnt other things; don't those burnt preparations, pease, beans, acorns — don't those burnt preparations, whatever they were, appear as coffee on your accounts? A. I can tell you better if you show me the account. He has gone to get it.

Q. What? A. I can pick them all out.

Q. When you first began to use coffee did you buy the green kernel and have apparatus put in for burning it? A. Not at the first we did not.

Q. When you first began to use coffee? A. We didn't; but we did pretty soon afterwards.

Q. By "pretty soon" you mean within a year? A. I should think so.

Q. Then when you first began to buy coffee you bought the green berry and had apparatus put in for burning it. How long was that apparatus used? A. That was used until the new laundry was built and then the power was removed.

Q. What? A. The power for turning.

Q. Then you bought it and had it burned outside? A. Yes, sir.

Q. Can you tell me under what name that coffee appeared — that preparation appeared? Or I will go back. In what form of packages did that burnt and ground stuff come that was used for coffee? A. Well, if we burned it in the institution it would come in barrels and boxes. It would be pretty likely to be in that if we bought it.

A. I am not asking about likelihoods. I am not asking if you did this or that what would have happened; I am asking exactly what you did. Now, sir, answer my question. A. My books will show.

Q. They won't show this? A. They will show everything I bought.

Q. Very like; I am asking you now in what sort of packages this burnt stuff which was used for coffee came in; whether done up in bundles or packages —. A. Well, I bought some that came in barrels. I bought a Chicago make of coffee and used it for a time.

Q. You bought at Chicago. Now, then, how much did you buy at Chicago? A. I could not tell; the books will tell.

Q. A considerable quantity? A. I think they used it some months.

Q. A considerable quantity? A. I think I had two or

three shipments of, perhaps, three or four barrels at a time — perhaps four or five.

Q. Now under what name was that stuff you bought at Chicago entered upon the books? A. I don't think I can recollect. I can tell it if I see the name on the book. I think it was called coffee.

Q. Don't you know it was called coffee? A. Some name; something they designated as their peculiar brand.

Q. Some brand of coffee? A. Yes, sir.

Q. And it will appear on the books as coffee? A. Yes, sir.

Q. And to any one examining the books it would have to be taken as coffee? A. Yes, sir; it is so written.

Q. It was bought as coffee, used for coffee, called coffee, paid for as coffee, and the whole thing was a cheat, was it not? A. Well, sir, there is a great many people using it now; they use it in Boston now.

Q. I have no doubt. There are other cheats beside this. I am only asking about what this was, leaving out other people. A. It was very highly recommended to us.

Q. I don't ask its recommendation? A. — By institutions.

Q. I don't ask recommendations; did you tell the inmates they were drinking rye? A. If any was prepared they always saw it prepared there.

Q. Prepared what? A. Ground rye.

Q. Now, you are telling me again, *if* there was such a thing what you did. You have now told me on your oath — and, if you are to be believed, it is true — that there was a quantity of ground-up stuff, ground out in Chicago — they don't import much coffee in Chicago from the Northwest — that there was a lot of stuff ground up and brought there as coffee, and that that was grain? A. No, sir; I don't say it was grain, for I don't know what it was.

Q. Then it might not even have been as good as grain. Then you bought something to give to these people and you didn't know what it was? A. I had recommendations.

Q. Leave out your recommendations, please. Whatever it was, it was not coffee, although it appeared on the books and everywhere else as coffee? A. It was called coffee.

Q. Down to how late did you use any of this prepared stuff? A. It must have been several years, I should think. I was using some of it, I remember, when Dr. Lathrop first came.

Q. That don't help me any. I want it by the almanac. I want simply the date? A. Well, suppose you call it 1876. I think it was in that neighborhood.

Q. Then, did you begin using coffee for the inmates — did you until after Dr. Lathrop got there? A. Do you mean the Chicago coffee, sir?

Q. Did you begin using honest coffee until after Dr. Lathrop got there? A. I think it was about that time.

Q. Didn't you continue it later than that? A. Well, sir, wherever you can find a purchase of Rio coffee on the books —

Q. I don't ask about Rio coffee; didn't you continue doing it later than that? A. Well, I don't think it was much, and I don't know as it was any. What made me fix that, Governor was —

Gov. BUTLER. I don't care what made you fix it.

Q. Very well; now your man has been called here, your cook, to swear, — and made the committee drink some, — to swear — A. He didn't hurt them, I guess.

Q. To swear that they have always used the same grade of coffee ever since he has been there.

Mr. BROWN. I beg your pardon; he didn't so swear. He said they had for the last five years.

Gov. BUTLER. That they used the same grade of coffee since he had been there.

Mr. BROWN. I should like to have you point that out.

The WITNESS. That can't be.

Gov. BUTLER. That can't be; that is all I want. I will find out from the record what he testified to. Now, then, give me '74 and '75 and let us see. I find in '75 [referring to the auditor's report] that there was \$1,213.91 worth of coffee bought for that institution; and I find in '76 \$1,530 worth of coffee, and I don't find anything about burnt rye, nor Chicago coffee, nor anything else there. Now, sir [to Mr. Brown], will you let me have the tables for 1874-5, which were put in here?

Mr. BROWN. They are not here; but they are in the printed report.

The CHAIRMAN. Page 2263.

Gov. BUTLER. [Examining the record.] But these are not the distinguishing tables. I find here in 1875. — I find 3,800 pounds of coffee. Now, here is the list of '73; I want to see where this Chicago stuff came into this list. It was not flour, nor corn, nor middlings, nor rye, nor shorts, nor oats, nor hay,

nor sugar, nor tea; and 537 pounds of coffee, — that is for the superintendent's and officers' table, I take it? A. Well, sir, we have been in the habit of using the same coffee.

Q. The same coffee? A. Yes, sir.

Q. Been in the habit of using the same coffee always? A. As a rule.

Q. As a rule you use that; very well. Then, if it is the same coffee, it must have been very weak, for there is only 537 pounds to go through the whole year. Now, do you believe, Capt. Marsh, that that item includes the Chicago stuff? A. I should think there was some Chicago coffee.

Q. Do you think that that item includes that? A. Well, sir, I don't know about these reports. I said before, Governor, that my book, my purchase-book, will show the articles purchased, of whom purchased, and what was paid for them.

Q. Well, I am not upon that now; I am upon what was used. Now, then, these various groceries were only \$117; and pease and beans, salt fish, fresh fish, molasses, oatmeal, rice, buckwheat and various things. — the Chicago stuff don't come in there. Now, we will run right back through: that is '72; '73, 471 pounds of coffee; '74, 411 pounds of coffee; '75 came that large amount. Now, running back every year to '70, we find 287 pounds, in '71, of coffee, and these small amounts, which naturally went to the other table, running back for the ten years. In '73 we find 471 pounds of coffee, by your expert's table, and, in the auditor's report, we find 944 pounds.

Mr. BROWN. They represent different years, Governor.

Gov. BUTLER. Oh, no, no, no; the same year.

Mr. BROWN. But one is the almshouse year and the other is the fiscal year.

Gov. BUTLER. Oh, no; I beg your pardon.

Mr. BROWN. I think you will find that is so. The expert testified that he commenced the first of October in each year and took three months in one year and nine months in the next year for purposes of computation. It is otherwise, I think, in the auditor's report.

Gov. BUTLER. Now let's have it fixed; which way I don't care. The auditor's, I suppose, to be the fiscal year.

Mr. BROWN. I understand it to be the fiscal year.

Gov. BUTLER. And this man takes a year, if I understand it; your expert?

Mr. BROWN. Yes.

Gov. BUTLER. Very good; then I am content to have it that way. Then, with three months over they didn't have only 471 pounds of coffee by that, and, in the other report, which covers the year, they had 944 pounds, and you will find such discrepancies running all through.

The WITNESS. What do you call it, Governor; deviltry?

Gov. BUTLER. I said discrepancies, sir.

The WITNESS. I thought you said deviltry; pardon me.

Gov. BUTLER. I have no doubt that is what is in your thought.

The WITNESS. I thought you said so.

Gov. BUTLER. No, I didn't; I said discrepancy; you knew what it ought to be called.

The WITNESS. No, I didn't.

Mr. BROWN. He happened to be looking at you and got an impression, that is all.

Gov. BUTLER. Which last is a very impertinent, improper and undignified remark.

Mr. BROWN. That is what I thought when you said they stole like the devil.

Gov. BUTLER. I was speaking, not to you; I was not speaking of you; I was not endeavoring to cast a mean, miserable, malignant sneer at you. I am not to be treated this way unless the committee by vote sanction it.

The CHAIRMAN. Go on with the examination, Governor.

Gov. BUTLER. Pardon me; I don't know as I shall, till I get this thing settled. I have been attacked this morning, in the first place, about what I had done and hadn't done. Now, when I had used perfectly proper language to the witness and to everybody else, then Mr. Brown chose to say that the witness made a mistake and got the impression of deviltry by looking at me. If the committee permit such things they will have to do it without my presence after a while, because I will be protected somehow.

The CHAIRMAN. These squabbles between counsel we cannot control; we have listened to them all the way.

Gov. BUTLER. Yes, you can control, or you should be able to control them.

The CHAIRMAN. I think it is about an equal thing.

Gov. BUTLER. How, sir?

The CHAIRMAN. I think it is about an equal thing.

Gov. BUTLER. I haven't asked your opinion, sir; it is neither valuable —

The CHAIRMAN. You may go on with the investigation.

Gov. BUTLER. Pardon me; I am not to be insulted by the pseudo chairman.

The CHAIRMAN. You are insulting the pseudo chairman, now.

Gov. BUTLER. Neither I do not propose in this way to be dealt with; I should not in any court; no, sir.

The CHAIRMAN. I think you had better pursue the investigation.

Gov. BUTLER. And to be told that "in your opinion" is another insult.

The CHAIRMAN. A good many things have passed back and forth between the counsel which, it seems to me, had better have been left out; a great many remarks made by each one.

Gov. BUTLER. I think so, sir.

The CHAIRMAN. Yes.

Gov. BUTLER. I think so: and whenever I make a remark of that sort to Mr. Brown, you have a right to interfere with me and I wish you would.

The CHAIRMAN. We haven't attempted —

Gov. BUTLER. And I don't propose to have these remarks made to me.

The CHAIRMAN. We haven't attempted to interfere with these colloquies between counsel: we haven't interfered: we haven't stopped them. It might be well —

Gov. BUTLER. Whenever these colloquies descend to personalities to the counsel, stop them. That is what I want you to do. Then I am ready to be stopped whenever I do it.

The CHAIRMAN. You may go on.

Mr. BROWN. I want simply to say, that, according to my best judgment, I have been trying to keep up with His Excellency. If he thinks I have caught up with him, I am willing to stop.

The CHAIRMAN. I don't think it is worth while to pursue this.

Gov. BUTLER. There is another insult.

The CHAIRMAN. Go on with the investigation, Governor.

Gov. BUTLER. Perhaps you will put that in, Mr. Chairman, and think that is about even.

The CHAIRMAN. I think you had better proceed with the investigation.

Gov. BUTLER. I will, when I can do it properly and in order, without being insulted, and the insult sustained by the chairman, — thank God, not by the committee.

The CHAIRMAN. I take it the committee sustains the chairman.

Mr. MURPHY. I beg pardon, Mr. Chairman; I for one do not sustain the chairman.

The CHAIRMAN. I will put it to the committee.

Gov. BUTLER. I will have it put to the committee.

The CHAIRMAN. What is the question, — whether the investigation shall proceed?

Gov. BUTLER. No; it is not the question, and you know it.

The CHAIRMAN. What is the question?

Gov. BUTLER. I will go on, sir, and take care of myself the next time, too.

Q. Now, Mr. Marsh, what class of flour did you buy in '62?

A. '62?

Q. '62; yès, sir; did you buy a lower grade or a higher grade than in '82 for the inmates? A. I bought a better grade in '82 than I did in '62.

Q. Why did you buy a better grade in '82 of flour than in '62? A. We had found by experience that a better flour, of course, made a better bread, and a better bread would be more nearly eaten up, so it was more economical to furnish a better bread.

Q. And, therefore, it would be cheaper to buy a better flour than to buy the grade that you were using in '62, because it could be more economically used? A. Yes, sir; there would be more waste in the cheaper flour.

Q. Yes, more waste in the cheaper flour; therefore, the fact of paying more money for the flour in '82 than in '62 would really be an economy, wouldn't it? A. I don't know as that is the fact; I don't know but it was, — '62, the war year.

Q. Pardon me; the war year would not alter the grade of flour? A. No, sir; but it might the price.

Q. Yes; it might the price. But the fact of buying a cheaper grade of flour, — understand my question, — a higher grade of flour in '82 would really be a matter of economy, wouldn't it? A. I should so look at it; yes, sir.

Q. And if you did buy a higher grade in '82 than you did in

'62, it was as a matter of economy? A. Yes, sir; there wouldn't be so much waste.

Q. Wouldn't be so much waste: and, therefore, we should expect a better result in the economy of the institution from such action, shouldn't we? A. So far as that was concerned.

Q. So far as that was concerned. Well, the flour is the principal article, isn't it? A. It is one of the heavy articles.

Q. Isn't it the principal one of consumption, in the way of food? A. Perhaps it is.

Q. Have you been there twenty years without finding out whether it is or not? A. I think it is.

Q. Why didn't you answer at once that it was when I asked you? A. Well, sir, I would like to refer to the books, because that tells the story better than I can tell it.

Q. Don't you know? Have you been there for twenty years and not know what the principal, what the heaviest article of consumption for food is? A. I have no doubt it is flour, sir.

Q. Having no doubt of it, why did you evade the question so many times? A. I didn't.

Q. Now, then, did you have the same grade of meat in '62 that you did in '82? A. No, sir; I should think we had been using better meat. It cost more, certainly.

Q. What? A. It cost more.

Q. Leave out the cost, now. You see I use "grade" every time; price don't alter the grade. I want to know if you have been using a better grade? A. We have.

Q. Why use a better grade if you had a good one in '62? A. I don't know as we had so good; I don't think we could have had so good in '62.

Q. Why not? A. Because we didn't pay the price for it.

Q. You didn't pay the price for it. When did you change from molasses to sugar for sweetening? A. I can't tell you, precisely, Governor.

Q. About when? A. I can't tell, very certain; it was quite a good many years since.

Q. Did you buy the highest grade of molasses when you bought that? A. No, sir.

Q. Bought a low grade of molasses? A. Bought a medium.

Q. Bought a medium grade of molasses, and you ought to have paid, then, in '62, and up to the time you stopped using molasses, the medium grade price, oughtn't you? A. The books will show what I paid.

Q. I know ; but I am now upon what you ought to have paid. Well, the books will show, sir, and I am going to have them carefully examined upon that matter. A. I am glad of it.

Q. But I am asking you. A. Yes ; well, why do you ask me these questions, if you propose to show by the books, Governor ? Do you want to catch me in an untruth ?

Q. I will tell you why. — because I am going to be very frank with you. A. Yes.

Q. The books don't always show what the grade is ; they only show that you bought molasses. A. Yes.

Q. Or sugar ; and all we know is that it is sugar or molasses. Well, molasses may be three or four things — A. Yes. Now, if there is any question about a lot of goods, the men I traded with are living, most of them, they can be called ; they can vouch for them, for the quality and the price. You can call all of them, if you wish to.

Q. Thank you ; I can call whom I please ; I know that. A. Yes ; I said “ if you wish to.”

Q. I am asking what grades you purchased. A. I think —

Q. Now, what grade of coffee did you purchase ? A. When I purchased —

Q. I mean when you got the coffee ; I don't mean this stuff. A. Yes ; my coffee has been, in the main, the Rio coffee, and it has been at the market price at the time being, whatever it was ; been a good, fair article.

Q. There have been different grades of Rio ? A. I always intended to have a good, fair article, because I used it for myself and officers.

Q. You sure about that ? A. I am pretty sure about that, Governor.

Q. Who used the Java coffee that appears on the bills ? A. There can't be a great deal there, of late years.

Q. Why not ? A. Because I haven't bought it.

Q. Pretty sure about that ? A. Pretty sure ; of late years.

Q. Well, by “ late years ” you mean that when you changed from the Chicago coffee down to Rio, from that time you used this same coffee yourself ? A. I mean substantially that. There may have been some Java ; there may have been some other brand ; I don't remember, particularly.

Q. Well, but don't you know that you have bought, all through your books, a few hundred pounds, more or less, of a better grade of coffee ? A. All through the books ?

Q. All through; yes. A. Well, I know I have not for several years, sir.

Q. Well, let us see; do you mean to say that there hasn't been any Java coffee in your house for several years? How many do you mean by "several"? A. Well, since I used the Rio coffee.

Q. And that you think, went back to '76? A. I am not quite sure about that; I should rather refer to the books.

Q. Well, we find that, how it is. A. Yes.

Q. And where there was a better grade it was for your table, wasn't it? A. I should think pretty likely.

Q. You have no doubt about it, have you? A. I have not, — for mine and the officers'.

Q. Yes; yours and the officers'. I am emboldened to ask these questions, because, as I understand the cook, the coffee was made in another kitchen for the officers' table? A. It was.

Q. Now, about the tea, sir? A. About what?

Q. About the tea; did you use a high grade of tea? A. For the inmates or for the officers?

Q. For the inmates? A. We used an Oolong tea and a Japan. Usually they were mixed; not always; but a mixed tea.

Q. For the inmates? A. Yes, sir.

Q. Used a Japan tea? A. Well, a mixture of Japan.

Q. And Oolong? A. Yes, sir.

Q. About half and half? A. That was intended to be; yes, sir.

Q. Now, sir, you were asked, yesterday, about some special matters to which I want to call your attention. You told us, if I remember, that the five dollars that was found for a calf was not Mr. Pillsbury's calf at all? A. Yes.

Q. That was another man's calf; and that was rightly done? A. Yes.

Q. Then, you did sell a calf to Mr. Pillsbury for \$10? A. I did.

Q. And put the money where? A. I have got it now. I told you.

Q. You have got it now? A. Yes, sir.

Q. What entry or memorandum of the payment of that money is on any books? A. I have it on a private memorandum of my own.

Q. Have you got the same money, precisely? A. Perhaps not.

Q. What? A. Perhaps not.

Q. Well, don't you know you haven't? A. I should think likely.

Q. Now, where does it appear upon any of the books of the institution, that the State property has been, — that that piece of State property has been sold, and the money put into your pocket? A. I didn't say it was in my pocket. I said I had the money and was ready to account for it.

Q. Where is it? A. Well, I will produce it whenever they make a settlement.

Q. Let us see; when was this calf sold? A. Well, sir, the story about that calf is a little amusing.

Q. I don't ask, — yes, it is amusing, but I am not going in to the amusement part now; I am at the time of it? A. It was not a calf; it was a pig.

Q. Very well; let it be a pig, then; I am not particular. I am talking about the time. A. When it was taken away?

Q. Yes; when it was sold. A. Well, sir, the man had had the pig quite a while before I sold it.

Q. Will you answer my question? A. I will try to.

Q. When was it sold? A. My impression is it was paid for, if that is what you mean, —

Q. I am talking with a man that has been selling pigs and calves for twenty years; when was it sold? A. Well, I lent the pig, to begin with.

Q. I don't ask you that. A. Well, sir, I want to tell you.

Q. I am asking you a simple question, sir, about an embezzlement of money of the Commonwealth. A. No such thing, sir; no such thing.

Q. I want to know when that pig was sold? A. Well sir, I said I lent the pig, to begin with.

Q. I don't ask you that. A. Well, I told you.

Gov. BUTLER. I call upon the committee to have an answer to my question.

The CHAIRMAN. Answer the question.

The WITNESS. I asked the governor if he wanted to know, — if he called it selling the pig at the time it was paid for.

Gov. BUTLER. I am not here to bandy words with a man who has got the Commonwealth's money in his pocket.

Mr. BROWN. The question when that sale was completed is

purely a question of law, which this committee can decide when they have heard all the facts. It seems to me it is perfectly proper for this witness to tell us the facts. If he should say the sale took place when he delivered the pig, or when the period expired for which the pig was lent, or something of that sort, of course we should all object to that and say the pig was not sold then. I suppose the pig was sold when he had been delivered upon a contract for a sale, and had been paid for.

The CHAIRMAN. I think he should answer the question, and then, if he wants to explain it, I take it he will be allowed to.

Gov. BUTLER. I have no objection. I want to know when it was sold; I only want the question of time.

Q. When was the pig sold, sir; answer the question. A. I will call it January.

Q. What year? A. This very last one.

Q. What? A. The very last one.

Q. The very last one? A. The very last January.

Q. When was the money paid? A. Well, I call the pig sold when the money was paid.

Q. When was the money paid? A. Well, I should say in January.

Q. Mr. Pillsbury has given us another date. And have you, since that pig was sold, paid in any money on account of articles sold into the treasury? A. No, sir; I told you yesterday I had not.

Q. Made no payment on account of any article? A. No article, sir, sold.

Q. What? A. No article sold.

Q. No article sold. Have you made any payment of money received, made any payment into the treasury since the first day of January of any moneys received on account of Tewksbury? A. No, sir.

Q. What? A. No, sir.

Q. You have paid none. Where is that private account on which this money appears? A. On the cash account.

Q. On whose cash-book? A. The ones that you have here.

Q. What, the ten dollars? A. Oh, no; not that.

Q. What cash-book does it appear upon, sir? A. It does not appear upon any cash-book till I pay it.

Q. But, pardon me, why shouldn't it appear in the cash-book

when you receive it? A. We have been in the habit of using any money received whenever we have had occasion to use it, and always accounting for the money at a given time.

Q. You have been in the habit of using any money received whenever you chose and accounting for it when it was called for? A. No, sir; we always have a regular time to account for it.

Q. Had a regular time; we will see about that. Now, then, upon what book was the fact entered that you had got that money? A. I said just now, in a book of my own; a private book of my own.

Q. Where is that? A. I have it at home.

Q. Is that your own private book? A. Yes, sir.

Q. How does it appear on your private book that the money belongs to the Commonwealth? A. I don't think the private book shows it, but I know it.

Q. Yes, but you know it. Now, is there any other way of the Commonwealth getting what belongs to it except from your memory? A. Perhaps there is not.

Q. What? A. Perhaps not.

Q. Well, is there; is there any other? A. You told me yesterday you didn't want me to pay it.

Q. That isn't in answer to my question; answer my question. A. I can't answer you how the moneys received —

Q. No; stick to this sum; this is what I want. A. I am going to.

Q. Is there any way, — this is a simple question, — except from your knowledge, personal knowledge, by which the Commonwealth could know how to get that money? A. Well, I think they would in this case understand pretty well; it has been talked about considerably, and I have a private memorandum of it.

Q. Leaving out this investigation, then. A. Yes.

Q. Is there any way for the Commonwealth to find out that you had that money, if you forgot it? A. Perhaps not.

Q. Don't you know there is not? A. I think my memorandum-book would show it.

Q. But it don't show it is the Commonwealth's money, you have already sworn; it would rather show it was yours, on your private cash account. A. "Cash received for pig" is the entry.

Q. What? A. "Cash received for pig" is the entry.

Q. Precisely ; and that being on your private book would be *prima facie* evidence that it was your own pig. A. No.

Q. Now, then, I want to call your attention to this : had this been your habit of keeping the account of these articles sold? A. We have kept —

Q. Leave out “ we.” Is this your habit of keeping account? A. Our habit has been to keep a cash-book —

Q. Leave out “ our,” pardon me ; leave out “ our,” because that is your private book and your own transaction. Is this your habit of keeping the account? A. My,—No, sir.

Q. Of articles sold? A. What?

Q. Of articles sold from the farm? A. For instance, a man comes along to-day and buys a pig ; he pays me, or pays somebody else, and that is put on a slip of paper and put on the wire, and when the clerk comes to it, he will enter it upon the book.

Q. Yes ; but what becomes of the money ; do you put the money on the wire? A. The money is always paid in.

Q. Paid in to who? A. Paid into the treasury and a receipt taken for it.

Q. You mean paid into the treasury of the Commonwealth? A. Yes, sir.

Q. But where is that money paid to when the man pays it over who buys the pig, as in this case? What I want to know is, is this your habit of keeping accounts? If not, why was this thing done different from your usual habit? A. Somebody has it. Sometimes I have it, and sometimes my son has it.

Q. And sometimes your son has it? Yes, sir.

Q. And their habit and yours, I suppose, is the same, to put it on their private account, and some time make up an account of what ought to be paid into the treasury and pay it in?

A. No, sir ; we always make up a true account.

Q. I know ; I haven't said it wasn't true ; but make out an account? A. Yes, sir.

Q. And then the only voucher for the truth of that account would be your private books, which nobody would see? A. Is that so?

Q. Isn't it so? A. In this case it wouldn't, certainly.

Q. Why, because we have found it out here in the investigation? A. Yes.

Q. But if we never had found it out? A. I guess you would have got the money all the same.

Q. That is another thing; that is another question, whether we should or not. Now, Captain Marsh, suppose you had died the day after, because you are an old man and liable to die, as we all are, — A. Yes.

Q. How would the Commonwealth have found out about that money? A. They would have found it on my memoranda.

Q. But they would have found it on your private cash-book, wouldn't they? A. Yes.

Q. Then, how would they ascertain, — how would any of us ascertain that it belonged to the Commonwealth? A. Well, they knew I didn't own any pigs; everybody would.

Q. Pardon me; I didn't know that, for one. A. You would be likely to think it, I guess.

Q. Now, Capt. Marsh, — and I understand this to have been your habit; I will leave it there, then. I understand now, the habit of your keeping account of property sold. A. No, sir; sometimes I have taken money and deposited it in the bank at Lowell.

Q. I don't doubt it; and made no account of it on the books of the institution? A. The account of the sale would be on the book.

Q. The account of sale? A. Yes.

Q. But here the account of sale wasn't on the book? A. Yes; I have told you it was on my book.

Q. Now, you make a difference between your book and the book of the institution, don't you? A. Yes, sir.

Q. All right; but I was only asking whether this was your habit of keeping account; that is all I wanted to know. If it was so, be it so; and if it was not so, I shall ask you why you dealt with this pig differently from other pigs and calves, and things that you might sell? A. This was rather a peculiar case, and I didn't know what might come out of it.

Q. What was there peculiar after you got the money? A. There wasn't anything then; there wasn't anything then.

Q. What? A. There wasn't anything then.

Q. When you got the money there wasn't anything peculiar about it? A. No.

Q. Nor about the disposition of the money? A. No.

Q. That was so, was it? A. That was true; yes, sir.

Q. It was done as the ordinary course of business was transacted there : it made no special matter. Well, now, we find people here who swear that they have bought calves of your establishment, and we don't find them on the books. A. Yes.

Q. Have you got an account of these calves, anywhere on your private account, where you received that money? A. There are some, — no, not on my private book.

Q. They are not on the institution book, so far as we can hear. Now, take the case of this man, Mr. Poor, who sold calves, and who had been there a great many years, and spent the money for tobacco? A. That is what he told me.

Q. That is what he told you? A. He didn't say for a great many years, however.

Q. How do you know that ; when was that done? A. I say he didn't tell me he had done it for a good many years : I stated what he told me.

Q. How long ago did you find out he had sold calves, and spent the money for tobacco? A. Well, I should think it was six months or a year before he left.

Q. When did he leave? A. He left last year, in June.

Q. How long had he been with you? A. Twenty-two years, I believe.

Q. Did he tell you this when he was going away? A. Before.

Q. What? A. Before he thought of going away.

Q. What? A. Before he thought of going away.

Q. Before he thought of going away he told you this? Well, for all you know, — he didn't seem to think there was anything wrong about it, did he? A. Well, he didn't appear to.

Q. Well, then, for aught you know, it had been going on all the while he had been there? A. No ; he hadn't an opportunity of carrying it that long.

Q. Why not? A. Because we used to raise our calves, and eat them.

Q. All of them? A. A large share of them.

Q. A large share? A. Yes, sir.

Q. Haven't there been calves sold every year for the last fifteen years? A. No ; I think not.

Q. Sure of that ; on the books? A. No ; I wouldn't swear they hadn't been, because it may be.

Q. Was he accustomed to sell calves, pigs, and other things

raised on the farm? A. I never knew his doing such things till he told me.

Q. Suppose you didn't happen to be there, or Charles; suppose you had been gone to a convention, or anything of that kind,— A. There hasn't been a convention lately.

Q. Or any place,— you and Charles and Thomas; and here was the farmer, and a man wanted a pig; wouldn't he sell it? A. He would not be likely to.

Q. Why not? A. Because we haven't many pigs to sell.

Q. Suppose you happened to have one to sell; wouldn't he be likely to sell it? A. He would be authorized to sell it, I suppose.

Q. Precisely; he would be authorized to sell it. Well, is there any daily account kept of all the sales of products of that institution on the books of the institution? A. There is an account kept of what is sold; it is not a daily account, perhaps, because the sales are not made daily,— when the sales are made.

Q. Is there a regular account kept of all the sales of products of that farm, made at the time of the sales, of the institution? A. There is intended to be.

Q. Why wasn't this pig on that account? A. I had it on my private memorandum.

Q. I know where it was; but why wasn't it on that daily account? Where was it on the regular account? It was on your private memorandum, and the money in your pocket. A. Yes.

Q. Very well; now, why wa'n't it on the books of the institution? A. It will get there in course of time.

Q. Well, by a regular account; will that be in the regular process of business? A. It will be in the process that will get there.

Q. Well, will that be on there in the regular process of your business? A. No, sir; it will be a little out of course.

Q. Now, will you say that there is no other instance of that sort, anywhere? A. What?

Q. Will you say that there is no other instance of that sort, where you have sold the property and got the money? A. I will.

Q. Yes; but was there any reason why this should have been treated, after you got the money, different from other cases? A. No.

Q. Now, didn't you ever,—you were asked, yesterday, about Mrs. Marsh taking the clothing of the inmates, or other of your family, — did you ever hear that she did? A. I have.

Q. How many years ago? A. I have heard it here.

Q. Ever before? A. I heard the story about the institution.

Q. Heard the story among the people, the inmates, you mean? A. No, — yes, — I don't know; they have ample time, and talk a great many things.

Q. How many years ago did you hear that story? A. Well, I couldn't tell you, sir.

Q. Ten. A. Perhaps so.

Q. Fifteen? A. I should hardly think I did.

Q. And the story was,—rightly or wrongly, we won't say anything about that now, — but there got to be a story about, some fifteen, ten or fifteen years ago, that she was taking the inmates' clothing? A. That she was taking it from the baggage-room.

Q. From the baggage-room; yes, sir; of the dead and absconded. A. Yes.

Q. Well, wasn't that made a charge against you and her, officially? A. When, sir?

Q. Well, seven years, — at any time? A. I believe they attempted something of that sort in a previous investigation.

Q. You don't mean an investigation that was had here before the legislative committee? A. I do.

Q. Well, I don't find anything of that sort in that investigation, either in the charges or in any other way. A. I think there was something of that sort.

Gov. BUTLER. No; I think you are mistaken. Won't you turn to that and let us see?

The CHAIRMAN. There is nothing in the official report showing that that was investigated?

Gov. BUTLER. Pardon me; I don't want any information, Mr. Chairman. I only want the fact: I want to convince this witness that he was wrong when he thinks this was something gone into before that committee.

The CHAIRMAN. I say there were no charges, according to the official report, of that character.

Gov. BUTLER. Before the committee.

The CHAIRMAN. Before the committee.

Gov. BUTLER. Then I want to see it, because I want to correct myself.

The CHAIRMAN. It is in the second volume of the proceedings, page 1945, Governor.

Gov. BUTLER. [Examining the record.] I still don't see it.

The CHAIRMAN. Page 1945. I said that there was no such charge; perhaps you misunderstood me.

Gov. BUTLER. Yes; I was trying to tell the witness that there was no such charge before that committee.

The WITNESS. I thought there was.

The CHAIRMAN. That charge was in the letter of Dr. Howe.

Gov. BUTLER. I know where it was, sir; I was very much surprised to learn —

The WITNESS. Well, it was made somewhere.

Gov. BUTLER. It was not before that committee, we have learned.

The WITNESS. No.

Q. But you heard of it; heard the charge officially made? A. Not frequently; I think I have heard it.

Q. You heard it; I am not now talking about the almshouse inmates. Did you ever, it being officially made, in another source, as we have learned, did you ever call on the trustees or anybody else to investigate it? A. Well, sir, I didn't take interest enough in it to think anything about it; I don't think I ever did.

Q. Whether you took interest enough in it or not I am not asking you; you simply didn't do it. A. I didn't do it.

Q. It was made a grave charge, wasn't it, by the board of state charities to the governor against your institution? A. That is, perhaps, where it came in; that charge was made somewhere.

Q. Yes, I know it was made somewhere; it was made there in the gravest form, and reiterated twice or three times. A. Yes.

Q. And you never called for any investigation? A. No, sir.

Q. And you suffered your wife and yourself to lie under that imputation, gravely, officially made, without any attempt to meet it. A. I showed to my trustees, one of them, certainly, if not more, just what was done.

Q. I don't ask, — was that in writing, sir? A. What?

Q. Was that in writing? A. No, sir; it was in works.

Q. In words, — one of your trustees; which one? A. In a form like this —

Q. No : which one, now, sir? A. Mr. Elliot was the man I refer to.

Q. Mr. Elliot ; I don't ask you what you said to your trustees, if it wasn't in writing. A. It was in work, I told you.

Q. Was in what? A. It was in work. If you will allow me to state the case as it was I should be most happy to state it.

Q. I have no doubt, sir ; but I am now upon the question of your calling for an investigation, so that everybody else could know as well as that trustee. A. There wasn't anything to investigate of that kind.

Q. Well, there were charges made of that sort? A. Yes.

Q. And made by your superiors, the board of health? A. Yes, sir.

Q. The board of charities, and made to your superior the governor of the Commonwealth. A. The governor of the Commonwealth never made it.

Q. No, it was made to him. A. Yes. Now, what was the outcome of it?

Q. That is what I am going to find out. That is what I am here for. Then, for ten or fifteen years you have allowed that charge to stand uninvestigated? A. I knew there wasn't any truth in it and I didn't care anything about it.

Q. Didn't care anything about it. You knew there wasn't any truth in it and you didn't care anything about it? A. I did.

Q. And it was also a part of the history of the institution : they were talking about it, that when they died their clothes would go the same way? Now, sir, I want to ask you whether it was also charged that things were sent away from the institution? A. Yes, sir.

Q. How many years had that been going on? A. Well, the charges of things being sent away is more recent, isn't it?

Q. Oh, no. A. I guess it was.

Q. Oh, no. A. I guess it was.

Q. Well, I am not to be questioned about it : when did you first hear of it? A. I have no recollection of hearing of anything till I heard it here in this investigation.

Q. Will you swear you didn't? A. No.

Q. What? A. No ; because I don't remember.

Q. You don't remember. Well, it wouldn't be a thing likely

to be forgotten, would it? A. Well, it would depend upon the source from whence it came.

Q. Well, now, will you tell us whether any coal paid for by the Commonwealth, paid for by yourself, ever went to Tewksbury to be used anywhere? A. Paid by myself?

Q. Paid for by yourself in your own private account, ever went to Tewksbury to be used anywhere? A. I used to buy coal for our minister, and I bought coal for the officers, that I paid for.

Q. You bought coal for the officers; what officers? A. I bought for our baker last year; I have bought for the clerk since he has kept house; I bought for one of our matrons, who also kept house,—had a family, and the house was kept for her.

Q. How early did you begin to buy coal for the officers? A. Whenever they asked me to.

Q. That don't help me at all, sir. A. I don't know as it does, sir.

Q. Then, why answer it? Now, answer the question,—how early did you begin that? A. I can't tell you anything about it; I know the fact.

Q. Tell me the earliest fact: the earliest time that you know that you bought coal for anybody. A. Well, I told you I bought for our minister.

Q. I know you told me you bought it for the minister; but how early did you begin to buy for the minister? A. He hasn't been there but about three years and a half; it can't be beyond that.

Q. But there may have been another minister before him? A. I didn't buy any for any other minister.

Q. Didn't any go to any other minister? A. Not to my knowledge.

Q. Well, did you contract or in any way get any coal in Boston that went to him? A. To anybody but the one minister?

Q. Yes. A. No, sir.

Q. The present one? A. No, sir.

Q. How long since Charles Marsh kept house? A. Two or three years; two, perhaps, in June.

Q. Did you buy coal by the carload for him? A. Yes, sir.

Q. And it was used in his house? A. Carried there; I suppose it was used there.

Q. One carload of coal? A. I think I bought him two or three.

Q. Yes; now, did you buy at the same place you bought the coal for the State? A. I could not tell you about that; I should think likely that I did.

Q. Did you pay for your private account out of the State's money for coal? A. I pay for my private account?

Q. For coal at your coal merchant's out of the State's money? A. No, sir.

Q. You did not? A. No, sir.

Q. No part of it? A. No, sir.

Q. And if there was any coal charged to your private account it should have been paid for by you and not by the State, shouldn't it? A. You know what I stated yesterday.

Q. I don't ask you what you stated yesterday; I want you now to state in answer to my question. A. My answer is this, Governor: That I am not responsible if they made a mistake in charging two carloads of coal to my private account when I bought it for the State; I am not responsible for that.

Q. I am not upon the question of responsibility. A. Yes, sir.

Q. Did you get two carloads of coal, which were bought for your private account and which was on your private account, which coal was actually bought for the State? A. There was two carloads of coal that I found as your investigation proceeded here —

Q. Leave out what you found out after the investigation. A. I want to tell you how I found it out, for I never, probably, should have known it. I went and bought two carloads of coal for the state almshouse at Tewksbury and had it sent there, and it was used there. Well, now, it seems that the clerk of the man that I bought it of charged it to my private account. I had had a private account, as I said yesterday, for several years before I ever bought any for the Commonwealth.

Q. Never mind about that. A. I had a private account there, and that two carloads of coal at two different times was charged to my private account, and it belonged to the State. I took those bills and they were put into the monthly bills, whenever they were contracted, for the Commonwealth.

Q. Now, having gone through that, please answer my question. A. Now, hold on just a moment. My trustees audited

these bills, they came to the auditor's office and were passed through.

Q. That we know all about. A. And when I paid for that coal I drew a State check and paid for it. Well, now, I didn't know anything about where that coal was charged on their account; I bought it for the State. Their clerk, when these checks were received, turned to my private account and credited me with the money. I knew nothing about it, and never should have known it, probably, if it hadn't been for this investigation.

Q. Very well. That is all very well, sir; but you paid your private account, didn't you, with your own money? A. I always intend to.

Q. And took a receipt for it? A. Usually.

Q. Well, their books show that you have paid for your private account, the whole of it, including that coal. The auditor's books show that the Commonwealth has paid for it, therefore they have been paid twice. A. Well, sir, I can't answer for that.

Q. That must have upset their cash balance pretty badly that day. A. Don't you find they all balance?

Q. Yes; that is what the trouble is. A. You don't know what to make of it, do you?

Q. If they had got their pay twice their accounts would not have balanced. A. I don't pay out of my private funds for coal for the State almshouse.

Q. You paid your private account and took a receipt for it, and that private account shows these two earloads of coal. A. I tell you, Governor, that I never did any such thing; that is not what I have been telling you.

Q. Pardon me; that is what the account shows. A. I don't care anything about the account; I knew nothing about it.

Q. But you see — A. I knew nothing about it.

Q. I don't care what you knew; I am upon the question of fact. A. So am I.

Q. The question of fact is this: that you paid your private account as it was made out. A. Exactly.

Q. Very well. A. Now, that coal was not charged on my private account and paid for by me by my private money.

Q. What? Why, certainly; but the difficulty is it appears to have been. A. Yes; well.

Q. And the cash is credited to you on your private account.

A. Exactly; that is what I have been saying.

Q. That is one payment. A. Yes.

Q. Very well; that is all straight. Now, then, when we come to the auditor's books we find that the Commonwealth paid it; that is another payment. A. Yes; and you will find that when they credited me at Bangs & Horton with paying for that coal, they credited by State check. That is what you find on their books. Now, you know that as well as I do.

Q. I know what is on the books; certainly. A. Yes.

Q. I know that; but that, then, refers to the whole account, doesn't it? A. You can call it what you are a mind to.

Q. Pardon me; I am not calling it what I am a mind to; I am only calling it what it is on the books. A. Yes.

Q. They received all the money by one check, didn't they, for both accounts? A. All the money?

Q. Yes. A. Whenever I paid them any money for private account, I paid them in cash, I think, with one or two exceptions; it was not a State check; I think it was a check on the bank of Mutual Redemption, or something of that sort. My bills were usually credited, you will find, — with the exception of one or two checks, which were not State checks, you will find it was credited by cash.

Q. I know; you didn't give any State checks at all. You received a check for so much money advanced you by the State to pay your bills with. A. Yes.

Q. And then you deposited that and drew your own checks to pay the bills. A. As superintendent.

Q. As superintendent; yes, sir. A. Yes, sir.

Q. Now, then, whether right or wrong, it has so happened that that carload of coal that went to Tewksbury when Charles Marsh was keeping house, got paid for by a State check. A. It didn't do any such thing.

Q. Why not? A. Because that wasn't the coal at all. The coal that was paid for by a State check was the coal that was shipped to the almshouse, and you know it.

Q. How should I know it? A. Because your clerks said you knew it.

Q. What clerk said I knew it? A. Told my clerk so.

Q. What clerk was that? A. I don't know, sir.

Q. Nor I either; nor anybody else. A. And then, the depot master at Tewksbury has certified that that coal was

delivered to the Tewksbury almshouse; didn't go to Charles Marsh.

Q. I haven't seen any such certificate; but I am willing you should make the fullest explanation about this. A. I intend to; I don't intend to be charged with stealing money.

Q. Still this trouble remains, and that is that the books show different. A. They don't.

Q. Well, we have got them here; copies of them. A. Yes.

Q. Now, we will go to another matter. A. Yes.

Q. Why was there, on that occasion, two earloads of coal shipped to the state almshouse? You didn't buy your coal for the state almshouse by the two earloads? A. That coal that was bought,—those two earloads of coal,—was at two separate times: they were not at once; and it was finer coal than our furnace, our boiler coal, broken coal; it was wanted for cooking purposes in the range, in the kitchen, and we bought one earload and used it up, and then they wanted some more and I bought another. That is the way it came, and that is the way it was used.

Q. Are there any other two earloads of coal of that kind to be found on your accounts that year? A. I am sure I don't know.

Q. What? A. I don't know.

Q. You ought to know. A. Well, the books will show if there is.

Q. Very well; that kind of coal was of a better class of coal, wasn't it; it was stove coal and higher priced? A. It was finer coal.

Q. Finer than ordinary broken coal? A. Finer than furnace coal; yes; it was egg.

Q. And out of the many thousand tons of coal you had there, do you mean to say there wasn't fine coal enough,—of broken coal,—there wasn't fine enough coal for the kitchen range? A. We might have picked it out, I suppose, if we had had somebody to do it; but then, this year we have bought a hundred tons of fine coal.

Q. I understand; don't hurry. With the exception of that one transaction, counting the two earloads as one, you always got along without the finer coal, didn't you? A. No, we didn't.

Q. Where do you find two earloads of coal in your account? A. We have bought a hundred tons at a time.

Q. I know you did. A. We wanted some more.

Q. You had to get it? A. Yes, sir.

Q. Then these two particular car loads were bought when you had got out and wanted some more? A. Well, Governor, you have —

Q. Now, let us go to another thing. At the time those two carloads were shipped were there not a large number of other car loads of coal shipped? A. I should think not.

Q. Won't you look at those bills and see? A. I know all about those bills.

Q. But you never did know anything about them until after I found them out? A. I never should have known they were charged to my account. You didn't find anything wrong about it, Governor. You found these folks made a mistake in charging me with the coal when I bought it for the State.

Q. It appears upon the books. Now, up to that time when that was disclosed, you had no idea that that coal had been done one thing with or another more than you knew what had been done with any other coal — that few tons? A. I bought it for the almshouse and knew it came, and knew it was used there : that is all I knew about it.

Q. The same as you knew about the others? A. When I enclosed the bill with the State check and it came back receipted, why should I know they had charged it to me? It was a mistake and they knew it was so.

Q. That is very good, but tell me, didn't that check contain payment for other articles than these two carloads of coal? A. No, sir.

Q. And was there not money or checks paid at the same time that this was paid? A. No, sir.

Q. Well, sir, these bills will show. Now, I want to ask you a little about those dead bodies. A. Well, sir.

Q. From the first time you came there, have dead bodies been shipped to Harvard? A. I have never seen one.

Q. Is that all the answer you want to make me to that question? A. I have no doubt there have been remains shipped.

Q. Will you answer my question? A. May I trouble you to state it again? for really, I didn't get the nature of it.

Q. Then you should not have answered it upon your oath, sir. From the time you took possession of that almshouse at Tewksbury have there been dead bodies shipped to Harvard?

A. Yes, sir; I have no doubt of it, although I have never seen one.

Q. You never have seen one? A. No.

Q. Were you ever present when one was shipped? A. No, sir.

Q. Have you ever known when they were shipped? A. I have, sometimes.

Q. And that continued up to the time of this investigation?

A. I presume so.

Q. Now, sir, when did you ever require a bond? You went there in 1858? A. Well, sir, won't those bonds tell?

Q. No, I don't think they will. I want to know when you required a bond? A. Well, sir, will you allow me to look at them?

Q. I am willing when you have given the time of requiring a bond. When did you ever require a bond? A. Well, now, it is my impression that Cambridge has given two bonds there, but I am not quite sure; and I think one of them —

Q. That is not the question. When did you first require a bond for a dead body to be shipped? A. I think it was in 1858. Now, the bond will tell.

Q. Then if it was in 1868 there is one here earlier. A. Yes; they told me they had a proper bond.

Q. Very well. [Referring to the bonds.] There is one here, I find. Let us see if it is Cambridge. Yes, this is the Cambridge bond. I find the earliest one was in 1864. Then you had been shipping bodies for more than six years without any bond, hadn't you? A. No, sir; I think there is a bond, Governor, a little —. Will you allow me to look at those, sir?

Gov. BUTLER. Certainly.

The WITNESS. Isn't there another one?

Gov. BUTLER. Yes, sir.

The WITNESS. When is that dated, sir?

Gov. BUTLER. This is dated — I think one of them is dated later; I don't know but one is dated earlier. Here is one in 1858.

Q. And that bond is for — ? A. That is a bond for one hundred dollars; that is the original. That is the earliest one I think; then there was a new one given. That is for five hundred dollars, sir.

Q. Those were the two? A. Yes, sir.

Q. And under that all the bodies have been shipped to Harvard that have been shipped? A. Yes, sir.

Q. Then here is one of the faculty of the College of Physicians and Surgeons; and that was dated on the 14th day of December, 1881. Were there any bodies that went to the College of Physicians and Surgeons prior to that? A. No, sir.

Q. Sure of that? A. Well, I don't think there was.

Q. Do you know whether there was or not? A. I could not swear there was not; I don't believe there was.

Q. Then here was one in 1874, from the medical department of Boston University. Any bodies go there before that? A. Not to my knowledge.

Q. You don't know that any went anywhere to your knowledge? A. I never saw any go. Some went, to my knowledge, but I didn't see them.

Q. You told us yesterday that the trustees appointed your son, Thomas J. Marsh, Jr., their agent. How many years ago was that? A. Well, I have an idea about ten.

Q. About ten years ago? A. It is in that neighborhood.

Q. Was that the first time you shipped any bodies? A. That he did?

Q. Yes. A. No, sir.

Q. Whose agent was he when he shipped bodies ten years ago? A. Well, he was mine.

Q. Did the trustees know anything about it? A. Well, we used to talk about it; they never took any action about it that I know of. They knew what was done. That is, they knew that bodies were being delivered.

Q. How did they know it? Did you tell them? A. I told them.

Q. [Referring to the trustees' records.] Now, sir, I have here the book of records running back to 1879, there, and here it runs back to 1858. Is there any record of any action between 1858 and 1881 on the books of the trustees appointing your son Tom or anybody else their agent? A. I don't know whether it was a matter of record or not. I know the appointment was made.

Q. Did you see it? A. I heard it.

Q. Oh, it was done by word of mouth? A. I was there when it was done; whether it was a matter of record I don't know.

Q. Was it put of record? A. I say I don't know.

Q. Who kept the record? A. The clerk, whoever he was.

Q. Who was the clerk in 1874? A. In 1874? I don't know; it must have been Charles.

Q. Did he ever make any report to you what he did under that appointment? A. No, sir.

Q. Did he ever make any report to you in any way, or in any form, of what he did under that appointment? A. He used to ask me concerning sending.

Q. What? A. No; no report.

Q. Do you know how many dead bodies went away? A. I could not swear.

Q. Did you ever call on him for any account? A. No, sir.

Q. Did you ever know of your own knowledge in what manner they went away,—of your own knowledge? A. I know nothing, only what was said that Mr. Manning—

Q. What was told you? A. Yes, sir.

Q. Did you know of your knowledge where they went to? A. Why, I could not trace them all; I knew that the colleges were having them.

Q. I asked if you knew of your own knowledge? A. I never followed them.

Q. Did you ever go down to the college about them? A. Down to the medical school, you mean.

Q. Yes. A. I think I have been in there. I didn't go there to look after those remains.

Q. Nor to make any inquiries about them? A. No, sir.

Q. Did you ever take any measures to know whether these bonds were fulfilled? A. No, sir; I supposed—

Q. Did you make any requirement upon anybody else to make any inquiry? A. No, sir.

Q. Did you take—these bonds here require that the remains should be decently buried; and that is for the security of the public and the security of the friends. Having permitted those bodies to be delivered there in large numbers, did you see whether that security was fulfilled? A. I did not; never had any reason to doubt it.

Q. You had no reason to doubt, or any reason to know? A. I had no means of knowing.

Q. Yes, you had,—by inquiry? A. I don't know about that; suppose they would not have told me.

Q. Then you could have sued the bond, I suppose, if they

hadn't told you. You could have stopped the supply? A. I supposed we were dealing with honorable people.

Q. Perhaps that is the reason, but the statute required you to take a bond? A. Yes, sir; and there it is. I have had a pretty good lawyer tell me that the colleges were not required under that law to give a bond; that was intended to apply to physicians and surgeons.

Q. That the colleges were not required —? A. A very good lawyer told me so.

Q. I hope you didn't pay him for it? A. I did not; he didn't ask me anything for it.

Q. He got the full value of his opinion. How long ago was that? A. What, sir?

Q. That you were so told? A. Well, I have been told so within six months.

Q. Within six months. Then you didn't act upon that opinion? A. No, sir.

Q. Then we leave that opinion out. You thought, up to that time, what other people thought, except this good lawyer, that the colleges were required to give a bond as well as everybody else? A. I took the bonds of them.

Q. You took the bonds of them for that purpose; not exactly of them, but of their professors. A. They signed for the college, I suppose.

Q. Yes, sir; they signed for them, and they are delivered to the college. As a rule, how long were the remains of a body kept before burial? A. That would depend altogether on circumstances; the disease with which they died, the season of the year, whether warm or cold weather. In cold weather, as you must be aware, they could be kept a good deal longer.

Q. I am not upon the point how long they could have been kept? but how long, as a rule, between the time of death and the time of burial? A. We always aimed, if possible, to keep them until their relatives or friends could be heard from.

Q. Leave out your aims; I want the number of days they were kept? A. In Boston, they used to answer very promptly.

Q. I don't ask about those who answered from Boston. Won't you answer my question? A. I will as near as I can. I stated to you, sir, that as soon as — I meant to have said that as soon as a person died the business of the clerk was, since we have had the telegraph or the telephone, if it was warm weather we would send the speediest message possible to wher-

ever any relative or friend was known to reside. If we didn't know any relative or friend the law requires — and we so did — that we shall notify the town or city from which the individual was sent. As soon as we heard from them, if they were not to be taken away they would be buried.

Q. If they were not to be taken away — ? A. By friends or relatives.

Q. Well, "to be buried" — you don't mean that, quite; because a large portion of them went somewhere else? A. Oh, no; it was not a large portion.

Q. Well, we will see how that may be; well, a portion? A. A portion.

Q. Well, how long were they kept? A. Kept as long as they could be kept, I say, with reference to the disease they died with and the condition of the weather.

Q. Now, then, as a rule, taking those who were to be sent away, how long were they kept? Those that you could not write for, because you would not know where to write, with no friend or relative in this country? A. We could always notify the city or town from whence they came, and we did.

Q. Well, they might not have come from any city or town; they might have wandered into your place and not have come from any city or town. Now those would be sent away, clearly. Now, how long were they kept? Now, no boys' play; if there was any rule about it; if there was not, I would just as lief not have any? A. No; there was not. We had to be governed by the circumstances in the case.

Q. Did you ever go to anybody, and if so, to whom, in Tewksbury, and say to them on their dying beds: "Have you any objection to your remains being dissected?" A. What do you mean? Anybody in the almshouse?

Q. Yes? A. No, sir.

Q. Did you send anybody on that errand? A. No, sir.

Q. Did you ever know of that question being asked? A. No, sir.

Q. Ever hear anything about it? A. No, sir.

Q. Until now? A. No, sir.

Q. Never? A. No, sir.

Q. Who selects the persons, the bodies which should be taken to Tewksbury? A. Taken to Tewksbury?

Q. From Tewksbury to Harvard College, or to the colleges?

A. The person designated to do the business.

Q. That is, Mr. Thomas Marsh, Jr.? A. He did a large share of it.

Q. Who did the rest of it? A. Why, he sometimes would come and ask me.

Q. What was the rule that governed the selection? A. Well, the rule that governed the selection was this: when reply came back there is no home nor friends known, we supposed it might be safe to send it—if it was a time of year when the material was wanted. There is a large portion of the year when none are wanted, and all are buried except those taken by friends.

Q. Now, you have told me something you wanted to tell me; now tell me what the rule was about selection? A. Well, I hope I have not done any harm.

Q. No; you haven't done good or harm, except to take so much time. Won't you answer my question? What was the rule of selection, who should go away, and who should not? A. Those who hadn't requested to be buried, those who had no friends or relatives known to us, so far as we could tell by any means within our power.

Q. If that was the rule of selection, then, all who hadn't any friends, and all who hadn't made any request to be buried, were sent? A. No, sir; I don't say that.

Q. You said that was the rule? A. No, sir; the selection was made from that class.

Q. Why did you select one rather than another in that class? A. Why, we didn't want to overstock them.

Q. Did you ever do that? A. No; I think they always complained they didn't get enough.

Q. Then selection for overstocking didn't apply at all? A. Yes.

Q. Now, I want to know what the rule was among those who hadn't any relatives — what the rule of selection was, if there was any? A. I have told you, two or three times — to take those who have no relatives or friends.

Q. But they wanted all they could get? A. Well, I didn't send all they wanted.

Q. Now, I want to know what ones you kept back. That is the very thing I want to know. A. What, sir?

Q. What ones you kept back, and why you kept those particular ones? A. I said I didn't send all they wanted.

The reason I didn't send them was because I thought there might be somebody come for them—probably some relative.

Q. Well, take those that somebody might come for and leave them out of that class. Did you send all the rest? A. Well, I suppose you know about how many were sent a year?

Q. No, I don't. A. Didn't that committee report to you?

Q. What committee? A. The executive committee of the Board of Health, Lunacy and Charity?

Q. No, sir; not that I know of. I asked them to report, and they asked me if I had any knowledge on the subject. I made a complaint about that, you know. But leave that out. I am now trying to find out what you know. How many were sent? I don't know, because I can't believe all I hear. But now I want to know how many were sent? A. You don't believe all you see in the newspapers?

Q. How many were sent? A. When?

Q. How many were sent any time you please? A. Well, during the time when the material was wanted—

Q. That was all the time? A. No; not all the time.

Q. Why not? A. They don't want any this time of year.

Q. Pardon me; were there not some pickled ones? A. Well, there was one year when they said there were some pickled. I saw some barrels there.

Q. Didn't you know they were being pickled? A. No.

Q. What did you think the barrels were there for? A. I was told what they were there for.

Q. At the time? A. Yes, sir.

Q. Then there was a time when they had them pickled? A. I don't know whether that was the name applied to it; I don't think it was.

Q. Well, preserved; I don't care what it was called. A. Preserved; yes, sir.

Q. Now was there any record kept of how many were sent? A. I cannot tell you anything about the record. I never kept any.

Q. Did you ever see one? A. No, sir.

Q. Did you ever ask for one? A. No, sir.

Q. Did you take any means, and if so what, of finding out how many went, until after this investigation? Don't tell me a word of what has happened since. A. I tell you I don't know.

Q. I ask you if you took any means to find out? A. No, sir. I didn't want to know.

Q. Then you were in this condition of things: as superintendent of that establishment, you were sending off the bodies of poor people to be cut up, and you didn't want to know how many were sent. Is that it? A. I knew —

Q. Why didn't you want to know? A. I knew there was a law prescribed; I knew there was a man to do it, and I didn't busy myself about it. I had a good agent.

Q. And the man to do it was your son, Thomas J.? A. Yes, sir.

Q. Did you know he was getting any money for doing it? A. I should think he would be a great fool to do it for nothing.

Q. Why not? A. Why, I would not.

Q. Pardon me. Is that so? The law made it your duty to give those dead bodies to those who called for them? A. Exactly; I did.

Q. Precisely; you gave them? A. Yes, sir; nobody ever paid a cent for one.

Q. And your son, Thomas, was paid for all his time there. wasn't he, by the State? A. I suppose so.

Q. And he was put in charge of this business, and he accepted that charge? A. For about ten years.

Q. For about ten years? A. Yes, sir.

Q. And he had done it before that? A. He had; yes, sir.

Q. It would be difficult, I think, to find any record of that taking charge ten years ago, but he was in charge of that business? A. Yes, sir.

Q. And you put him in charge yourself? A. Yes, sir.

Q. Now, then, did you tell him you would not pay him anything? A. No, sir.

Q. And did he go and do it? A. He always did what I asked him to, carefully.

Q. And you thought he was doing it for nothing? A. I didn't have any thought about it.

Q. Didn't you think about it? You told me you would think him a fool if he had done it for nothing. A. I think so, now.

Q. Now, didn't you know whether he was getting anything out of that, or not? A. I never asked him about it.

Q. Did he ever tell you? A. I don't think he ever did, Governor.

Q. Do you know he never did? A. I think he never did.

Q. How do you know there was no money ever received for any? You have sworn here with great fierceness, twice — A. Because I know.

Q. How do you know it? A. As I know a great many things.

Q. How do you know that, Captain, — this thing? A. Because I always forbade it. I have been offered money a great many times, and I would not take it.

Q. Excuse me; I didn't ask if you did. It don't follow that somebody else didn't. A. I don't believe my orders were disobeyed.

Q. Very well. You ordered him not to take anything? A. I simply said to him, this is an important matter, this is the law, and you must keep inside of it.

Q. Well, your counsel says there is no law against taking something. However, we won't go into that. Now, what I want to ask you is, was there anything more than that said? A. Than what?

Q. What you have said now that you said to him: "There is the law; keep inside of it." A. Well, I said it a great many times.

Q. Why so? Had you an idea he was breaking over it? Why say it? A. Because I wanted to keep it fresh in his mind.

Q. You said it a great many times, did you? A. I don't know.

Q. Now, how do you know he didn't sell every one of them? A. I have no reason to suppose he did any.

Q. How do you know he didn't? You have undertaken to swear to it. A. No; I would not undertake to swear to it.

Q. But you did. You swore that nobody took a cent. A. I did? That was not what I swore to. I said I never took a cent.

Q. Pardon me. A. I know. That is what I said. I was talking about myself.

Q. You will see on the record when you come to read it. I understood you to say, sir, that nobody ever had a cent. Then, the next question is, how do you know they didn't? Otherwise I should not have been asking you. A. Well, I have no reason to suppose —

Q. I don't ask what your reasons to suppose are. Now, sir, don't you know that he got more money for those bodies than he paid out for transportation? I don't care whether you call it selling the bodies or not. A. Oh, I suppose he got something for assisting in taking them away.

Q. What? A. I have no doubt he had some compensation for assisting to get them away.

Q. I don't care what he got it for. Didn't he get more money for the bodies than what he paid for his transportation?

A. Probably a part of the time he did.

Q. Didn't he all the time? A. No.

Q. How do you know? A. Well, I think I should have known it if he had.

Q. But you don't know that he did, now? A. I said I thought he did.

Q. Therefore you can leave out the "don't know" both ways, can't you? A. Yes, sir.

Q. Now you say that he didn't all the time. How do you know he didn't get it all the time? A. Well, I know once he told me something about it, — that he was doing the work: it was disagreeable work, and that he was not getting anything for it.

Q. You know that he told you once that he was not getting anything for it. Did he ever tell you he was? A. No, sir.

Q. Never did? But he told you once he was not? It was disagreeable work to do. Did he say he handled the bodies himself? A. I told you I didn't see one delivered.

Q. How do you know it was disagreeable work? A. I didn't see. I said it must be disagreeable work.

Q. Why so? A. I think handling dead bodies must be.

Q. If you didn't know that he handled them — A. He was the agent appointed.

Q. Your son Tom didn't bury the bodies buried in the graveyard, did he, himself? A. I don't know what that has to do with their going away.

Q. That is not your affair? A. Yes, it is.

Q. Answer my question. Did he bury the bodies with his own hand that were buried in the graveyard? A. It was not his business to do it.

Q. But didn't he superintend that burial? Was not that in his charge also? A. No, sir.

Q. Whose duty was that? A. We used to hire a man to do that.

Q. I am after the superintending. Who superintended it? Didn't he superintend the burial the same as the carrying away of the bodies? A. No, sir.

Q. Now you knew that in the burial of them he didn't handle dead bodies; would you suppose he handled them when they went away? A. I knew somebody must.

Q. Somebody must when they were buried, and it was not Tom; therefore, where was the disagreeable work coming in? A. Well, perhaps you can imagine.

Q. I don't see it, if he didn't do it. I can understand it would be very disagreeable if he had to go and take them up himself. A. That was not it.

Q. You asked for my imagination and I imagined just that. Now, were ever any of these bodies brought back from Harvard, after their friends getting there as soon as they could, to be buried? A. I have had some brought back.

Q. How many? A. I remember one this last winter.

Q. Any before that? A. I think there may have been.

Q. Were there not quite a number? A. I could not say how many, sir.

Q. That is, they had got off down to Harvard before the friends got there? A. Yes, sir.

Q. And had to be brought back? A. We had a case last winter. Will you allow me to state it?

Q. No. Because it is a little too near this time. A. Well, it was a case where we were to notify the town where the person was sent from, and there were no friends. Afterwards it appeared that a married sister was living in Lexington, and he said, — the husband of the man's sister said his wife would like to have those remains. I sent and got them for them.

Q. How soon did they get there? A. I should think — What do you mean; to take them?

Q. How soon did they give the notice? A. The friends?

Q. Yes. A. Oh, I should think it might have been — I cannot tell certainly, but they hadn't used it at Harvard.

Q. I know. But how soon did you get the notice from the friends? A. I told you I got notice by the man coming from Lexington.

Q. That is only half a dozen miles. A. I should think it might have been two, three or four weeks,

Q. It had gone down to Harvard and was brought back?
A. Embalmed down there.

Q. It had been embalmed? That is the first thing they do when they get them? A. Yes, sir.

Q. Now, did others come back that had been cut up more or less? A. I remember one case that did, after I got this back.

Q. Did one come up that had been skinned? A. I never saw nor heard of any.

The CHAIRMAN. Thursday morning, Governor.

Gov. BUTLER. Thursday I have to attend the College of the Holy Cross, I suppose.

The CHAIRMAN. To-morrow you don't want to be here?

Gov. BUTLER. To-morrow I am going to Harvard.

The CHAIRMAN. Friday morning, at half-past nine o'clock.

FIFTY-THIRD HEARING.

FRIDAY, June 29.

The committee met in the Green Room at 9.30 A. M., Senator GILMORE of Middlesex in the chair.

TESTIMONY OF THOMAS J. MARSH (*resumed*).

Cross-examination by Gov. Butler continued.

Q. Mr. Marsh, did you know, have you any remembrance of an inmate. — an insane inmate. — a young woman by the name of Charlotte Anderson? A. Did you say sane?

Q. Insane. A. Yes, sir; I know there was such a one.

Q. You knew the fact. Did you know she was gotten with child while she was in your institution? A. I know it was so charged, sir.

Q. What? A. I know it was so charged; I suppose it was so; I have no doubt about it.

Q. Well, that is to say, she was with child and she had been in the institution more than a year? A. I don't know how long she had been there; I know that is the fact, sir.

Q. Do you remember her so you could tell what sort of a girl she was? A. I could not tell you. I have not her appearance in my mind. I could not describe her.

Q. A harmless insane person? A. So far as I know.

Q. Suffered to go about the premises and the fields; gathering things in the field and the garden, I suppose? A. I don't know that she was, sir. She was a woman that could do some work, as I remember about her, — about the house, I mean. I don't know what she could have done outdoors.

Q. I didn't mean that she did much work outdoors, but gathering flowers? A. I know sometimes they take them out to pick pease, or something of that sort.

Q. Or to pick berries in the berry season? A. I should not be surprised, sir.

Q. Now, Mr. Marsh, did you ever say to that insane girl

after she had her child in her arms, in substance this: "Charlotte, we know how to make babies here, don't we?" A.

Did I ever ask her that question?

Q. No. Did you ever say that to her? A. No, sir.

Q. Sure?

Mr. BROWN. I don't think he hears you, Governor.

Q. Sure you didn't? A. I am sure I didn't. I didn't know you were waiting for an answer.

Q. Now, do you know whether she was buried or not? A. I do not.

Q. Did you know the fact that she had a sister living? A. I might have, at the time; I don't remember that I knew any such circumstance.

Q. Do you know whether that sister was notified of her death? A. I cannot say that she was, sir.

Q. Have you any recollection about the sister's calling there? A. No, sir. She might have called and I not know it.

Q. Of course. Well, now, didn't that sister — A. Allow me one moment, please, in regard to notifying the sister. The records will show whether she or the place she came from was notified.

Q. Yes; the place she came from was one thing. Now, didn't that sister call on you? A. I have no recollection that she did, sir.

Q. Had you a man under your charge in the establishment by the name of Burns? A. Is there one?

Q. Was there, lately? A. We have had a man by the name of Burns.

Q. What was he? A. Well, he usually was in charge of a class of old men — a dozen or twenty.

Q. In the old men's ward? A. Yes, sir.

Q. A good officer? A. What, sir?

Q. A good officer? A. So far as I know.

Q. Know anything against him? A. He was intemperate at times.

Q. Drank too much. Was that in the asylum? A. He was never in the asylum for the insane that I know of.

Q. I mean, was he in the institution? A. Oh, he was in the institution at different times, several years; I don't know how many, sir.

Q. American born, apparently? A. I could not tell you,

sir; I should think he might have been of Irish descent, but I am not sure of it.

Q. Now, Capt. Marsh, you wanted to say something the other day about Mrs. Marsh's work, or what she did with the inmates' clothing? A. Yes, sir.

Q. You said the work would tell? A. Yes, sir.

Q. Now, didn't she cut up or have cut up or torn up, or whatever you please to term it, a portion of that clothing into strips to make rugs of? A. She used to have some rugs made, sir.

Q. Out of that material? A. I don't know that she did, and I don't know but she might have done that. I don't think she did very many out of that material.

Q. Out of what were those rugs made? A. Well, we used to have some old clothes ourselves.

Q. Precisely so? A. But I could not say. I have an idea that some were made from that old material—the refuse of that old material that used to be about the house.

Q. Were the rugs taken out of the house? A. What did you say, sir?

Q. Were not the rugs taken out of the house? A. No, sir.

Q. Sure? A. I am.

Q. Do you mean to say you are sure they didn't go out, or sure you don't know? A. I am sure she didn't make them to go out of the house.

Q. Whether they were made to go is not the question; are you sure they didn't go?

Mr. BROWN. The Governor didn't hear your answer.

The WITNESS. I said yes, sir.

Q. Did Charles use to keep chickens? A. Who, sir; Charles?

Q. Yes. A. No, sir. What do you mean? While at the almshouse?

Q. While he was living near there? A. I believe he hired a house of a man whose wife kept some chickens, and I think while he lived in the house he continued the chickens that were there; and I believe they have returned again to the party who formerly owned them.

Q. Then he kept them while he lived there? A. Yes, sir.

Q. Did he sell the eggs to the institution? A. What, sir?

Q. Did he sell the eggs to the institution? A. He might have done so sometimes.

Q. I didn't ask whether he might have; did he do so? A. I cannot tell you. The book of charges will show who everything was bought of.

Q. Did he feed his chickens from the grain of the institution when he sold the eggs to the institution? A. I have no knowledge that he did.

Q. Well, we will see if we have any by and by. A. Yes, sir; very well.

Q. Now, then, did there use to be any boxes go to Exeter? I don't ask you now what was in them. I only ask if there were boxes — boxes and trunks? A. I presume trunks went with the folks as they passed up and down.

Q. Frequently? A. As frequently as they went, most likely; I don't know that they always carried them. They might have been valises. They travelled very much as other people do.

Q. Any boxes besides the trunks? A. I think it was found that there was a box marked Charles Atwood, was it not?

Q. Well, that we have heard of here. A. Yes, sir.

Q. Any besides that one that you know of? Was that the only one? A. Well, sir, you mean to ask whether there were boxes sent from the almshouse to Exeter?

Q. Yes, sir. A. Now, so far as my knowledge extends, Governor, I know nothing of that sort.

Q. Very good. Now, did you ever see any strapped up to go? A. No, sir.

Q. Tied up together? Any sent to Waltham? A. Not to my knowledge.

Q. Any sent to Reading? A. I have seen there was.

Q. Leave out the testimony here. A. I don't know anything else, sir.

Q. Very well. Then we are lucky in hitting every time the box that came away. Great good luck. Well, you knew about those going, didn't you? A. What, sir?

Q. You knew about the boxes we have been talking about here going? A. With articles of dry-goods?

Q. Yes. A. No, sir.

Q. I mean those that went to Reading? A. I didn't know it at the time, sir.

Q. Didn't know it at the time? A. No, sir.

Q. Then it was quite possible for boxes to be taken away by your family from there without your knowledge? A. Well, those were taken away; I hadn't anything to do with them. They belonged to another party, and he took them away when he got ready.

Q. Undoubtedly. Those went, and others could have gone just as well without your knowing? Do you own a house in Exeter? A. My wife does, sir.

Q. How long has she owned it? A. I should think it would be about the time — perhaps since 1870, or something of that sort.

Q. Do you own any real estate otherwheres? A. No, sir; I formerly owned another piece in Exeter, where my father and mother lived.

Q. That you sold? A. Yes, sir.

Q. A good many years ago? A. Some years ago; yes, sir.

Q. When a body was buried and the friends came for it, and the body was taken up and the coffin put back in the grave, was the headboard left there to indicate that the body was still there? A. I could not tell you, sir.

Q. There was no other occasion, that you know of, where the coffin was buried, except where the body had been taken out and the coffin was put back? A. I don't know as I precisely understand your question. Do you ask me if I know of a coffin being buried empty?

Q. Being buried empty? A. Not to my knowledge, sir.

Q. Did you ever hear of one being buried with some blocks of wood in it, before this investigation? A. I heard what Mr. Chase said here.

Q. Did you hear of it before? A. No, sir; never.

Q. Was Mr. Chase paid for all his time by the State? A. I presume he was. I don't know anything to the contrary.

Q. Well, was there any agreement made that he should work outside of what the State employed him to do? A. No, sir.

Q. Now, then, when did you cease to have anything to do with the management of the hospital? A. Whenever the law placed it under the care of the physician.

Q. That was in 1876? A. I should think in 1876. I didn't fully cease; I had to furnish.

Q. You had to furnish? A. I mean the oversight.

Q. To answer the requisitions for clothing and things? A. Yes, sir.

Q. Well, now, then, who had charge of the insane hospital?

A. The doctor had the medical care of it and I had the oversight of it. He tells me, since I have been on the witness stand, that there was a period when he had the oversight of it; I had forgotten it.

Q. When was that period? A. I think it must have been sometime during the first — when the change in the law was made; I cannot say certain about it.

Q. Now, how long did he have the oversight? A. Well, you mean the entire oversight?

Q. The oversight of the insane hospital. A. I could not tell, sir; I didn't ask him nor he didn't tell me.

Q. Now, before you asked him, had you any recollection of that fact? A. I had not, until he mentioned it. I thought I had had the charge of it all the time.

Q. You thought you had charge of it all the time? A. I acted so.

Q. But upon consulting him you now come to a contrary remembrance? A. No; I don't remember now. I remember what he told me.

Q. You don't remember now but what you had charge of it? A. I think I had. I think I used to see to it and used to go to it.

Q. Well, he said you hadn't the charge of it? A. I will tell you just what he said to me — that he had the appointment of the attendants.

Q. Leave out the appointment of the attendants. A. That is just what he told me.

Q. I don't care about that: I know there was a struggle between you, somewhat, about that. I want to know whether he had charge of the hospital. A. Well, sir, I say that I had it.

Q. You say that you had it. Did you give directions about what should be done with the patients? A. I did, sir.

Q. How they should be treated? A. No, sir. I will tell you. When there was necessarily restraint, or anything of that sort —

Q. Necessarily what? A. When there was restraint required, I used always, if the doctor was handy, where I could

get at him, to consult him about that — or some of the attendants would.

Q. When restraint was necessary then the doctor would be consulted? A. Yes, sir.

Q. Now, then, as to how the patients were treated in the hospital. You didn't — after this change, you took no charge?

A. In the sick hospital.

Q. Then people might be knocked down and dragged out, as far as you were concerned? A. I should not have been responsible unless I had known it. I should not have allowed it even then; that is, I should have protested against it.

Q. You had no charge? Nobody was ever hurt or struck there, was there? A. Well, sir, I have heard what has been said here.

Q. Leave out what has been said here. Did you hear about it at the time? A. There might have been cases where I heard complaint.

Q. Well, now, did you ever, — do you remember now of ever visiting this woman in the cell up-stairs? A. The Barron woman?

Q. Yes. A. Yes, sir.

Q. When did you first go there? A. Oh, well, I could not tell you. I could not tell you, Governor, when she was there. I know it in my mind.

Q. Did you see her under French? A. I think I must have seen her.

Q. Not what you must have done. A. I cannot tell you.

Q. Very well; that is what I want to know.

Q. Do you know she was up there under French at all? A. I would not swear that she was.

Q. Do you know she was up there under Dudley at all. A. Yes, sir.

Q. You know that from memory? A. I remember that, sir.

Q. How long, from memory, do you know she was there; up there in that room, I mean. A. Ah —

Q. That is what I am talking about. A. She was changed, as I said the other day, to other places.

Q. I understand she was changed right off after he got there. A. No, sir; no, sir; she was not. I mean this: I meant to say the other day and I mean to say now, Governor, that she would be in there a time and then she would be

changed to the basement, and, perhaps, somewhere else; I don't know where.

Q. Was she ever carried back up there after she was once brought down to sit in another place? A. Oh, a good many times.

Q. By Dudley, I am talking of now, sir. A. Well, Dudley left her there. That Barron woman was there three years. I cannot tell you what three years they were; then she was removed to Worcester.

Q. To Worcester? A. I think it was to Worcester.

Q. Do you know why she was removed? By whose orders was she removed to Worcester? A. I think she must have been removed by Mr. Wrightington. That would be an emanation of the board of health, lunacy and charity if the board was in existence; if not, it was the board of state charities.

Gov. BUTLER. The same board, only another name.

Q. You have said of Mr. Dudley, I believe, that one cause of his removal was that he played croquet. Is that so? A. No, sir; I said that was among the things—that he, in my judgment, neglected, more than he ought to, the patients.

Q. But you said he was removed for that; and when asked when that was you said that he played croquet in the afternoon. And then you said that he was removed for impudence to Mrs. Marsh? A. Yes, sir.

Q. Did you hear the impudence? A. No, sir. She told me immediately what had taken place.

Q. Mrs. Marsh and Mr. Dudley had had some words or difficulty? A. I sent her over there to look after something that I thought should be looked after.

Q. They had some words? A. I suppose so.

Q. They had some words and you removed him? A. That was it.

Q. For that? A. Yes, sir.

Q. Now, Mr. Barker; did you remove him? A. No, sir; I think he resigned to go into some kind of business in Boston.

Q. Of his own accord? A. Yes, sir.

Q. And his wife went with him, I suppose? A. Yes, sir.

Q. And nobody has a right to say that he was a discharged man? A. No, sir.

Q. What? A. No, sir; he was not discharged by me; was not discharged by anybody. He voluntarily resigned.

Q. He voluntarily resigned to go into business. Do you

know who — have you ever authorized any publication to be made that he was a discharged man? A. I don't remember that I ever have, sir.

Q. Now, sir, I understand you to say that at a certain time the way the patients were washed was that the water was let into the pool and heated over night, and then dipped out into tubs for bathing. A. I don't know just when; I think when I first went to Tewksbury the inmates were bathed in these large pools or vats, or tanks they used to call them.

Q. What? A. Tanks, — bathing tanks.

Q. A number of them together? A. Well, yes, sir; I don't know how many were bathed; that was left to the discretion of the party in charge.

Q. Well, by the party in charge you mean — A. The attendants.

Q. The attendants? A. Yes, sir.

Q. And as many were bathed as he chose to put in? A. He or she. They were all over the house. That was the means provided when I first went there.

Q. And that rule applied all over the house? A. Well, there were two of these places in the old wooden building.

Q. One for the men and one for the women? A. Yes, sir.

Q. And that continued down to what time? A. The books will tell. I should think some six or eight years after I went there. I have to make this from my recollection.

Q. Will you say it didn't continue ten years? A. Would I say not ten years?

Q. Will you say it was not ten years? A. No, sir; I should be governed by the record.

Q. Then some separate bath-tubs were put in; four, I believe. A. That is those four I spoke of, if you are alluding to my testimony. The four were put into the first half of the insane building, being two in each part, with one of those pools.

Q. When the new insane building was fixed? A. Yes, sir.

Q. Was there any bathing apparatus put in there other than these tanks, until the insane building was made? A. Those, I think, were the first that were put in.

Q. And they were put in the insane building? A. I am not sure they might not have been placed before that time in the other,

Q. Tell me as it stands in your mind. A. Yes, sir.

Q. Very well, then. These tubs that were put in the insane building were for the use of the insane? A. Yes, sir; men and women.

Q. Men and women; two on each side? The old tanks remained there still for the paupers? A. They remained there till — when they were taken out they were all taken out and individual bath-tubs were substituted; whenever that period was.

Q. Now, when they were taken out; how late was that when they were finally taken out? A. You are speaking of the tanks?

Q. Of the tanks? When were they finally removed? A. I could not tell you the precise time.

Q. Well, without telling the precise time, was not that done until 1876? A. I should think not, sir. That was not done until after the insane building was built? I think the insane building was built about seventeen years ago.

Q. And then five or six years after that before the tanks were taken out? A. I don't think it could have been as long as that.

Q. Well, up to the time the tanks were taken out, the paupers were bathed in them, as many as the attendant chose at a time — up to the time they were got rid of, were they? A. Yes, sir.

Q. And when the bath-tubs were put in, the means of heating them was to heat the water in the tank and dip it out, as you told us? A. That was in the insane building, sir.

Q. That was in the insane building? A. Yes, sir.

Q. And that was dipped out in buckets and poured in? A. Yes, sir. I am not sure, Governor, but what there might have been pipes for drawing in cold water, and perhaps some for letting in steam.

Q. What was, then, the advantage or the necessity of dipping this hot water from the tank? A. I will tell you, sir; it was only to bathe a little more readily than we could by heating the water for each individual.

Q. I undertook to say that to the committee, and one of your women swore it could be done at the rate of 80 in three hours. A. Well, I can conceive of its taking some time to heat each individual bath; whereas, if it could be drawn out and dipped in, it could be done, in my judgment, more rapidly.

Q. Then that required to be taken up in pails by the attendant and put in? A. Yes, sir.

Q. Well, I believe we understand now about that bathing; now, where, for the last ten years have you bought the bulk of your clothing? A. I should think the bulk of it had been bought of Isaac Fenno & Co., — the men's clothing.

Q. The women's clothing, I suppose, is substantially made there? A. That has been generally made at the institution, all of it.

Q. How much; without looking at the accounts, how much of the clothing was bought at Fenno's? — men's clothing, A. Well, substantially all of it, sir, after I began trading with them.

A. When did you begin trading with them? A. I should have to refer to the books for that, sir. I have been in that habit, and that is why I say it; I should be ready to tell if I knew, but I have been in the habit, always, of referring to my books for anything I sought, and not keeping it in mind.

Q. Well, whom did you buy from before? A. Well, at different times I have bought of Charles Winslow, — I think it was Winslow & Co. He afterwards became an insane man and was taken to Cambridge. And I bought of Tucker, Sanborn & Co.

Q. Whom did you buy from directly before Fenno? A. I don't know that I could tell you, but I should have the impression it was Burdett —

Mr. BROWN. Whitten & Young?

The WITNESS. Burdett, Whitten & Young.

Q. Can you tell me by reference to your books when you commenced buying of Fenno? A. It can be told. I don't know as I can tell by turning readily to it now.

Q. After you commenced trading with Fenno, you told me you bought substantially all there? A. Yes, sir. No; I beg your pardon, sir; I have bought — well, I say substantially; let it remain just as I said. I bought some of parties in Philadelphia, but the major part has been bought of Fenno. The firm in Philadelphia has been Kirwin, Stoddard & Co.

Gov. BUTLER. I believe that is all, Capt. Marsh.

Mr. BROWN. There are one or two questions that I find I omitted.

Re-direct examination by Mr. Brown.

Q. I meant to have asked you if you ever heard of any act of cruelty committed upon any of the inmates except what have been referred to in your cross-examination? A. I don't recollect of any, sir.

Q. Did you ever have complaint made to you that Dr. Lathrop had abused any person in the institution by kicking or striking in any way? A. No, sir; I don't remember that I ever did. I think Dr. Lathrop would be about the last man to kick anybody.

Q. I want to ask you about what is the value of that house at Exeter. A. I think it is insured for about \$5,000.

Q. What did you pay for it? A. I think in that neighborhood.

Q. In 1870? A. Yes, sir; about that.

Q. Is that the house occupied by Mrs. Atwood? A. Yes, sir.

Q. Near the depot? A. It is on Lincoln Street.

Q. Now, Captain Marsh, I want to ask you: you said you undertook to look out for, to look after, with proper diligence, the property of the Commonwealth. Did you ever have any reason to suspect that any property of the Commonwealth had gone either to Mrs. Atwood or to Mrs. Davis at Exeter or elsewhere? A. Well, I had very good reason for knowing there had none gone.

Q. You said something about two barrels of apples on cross-examination: I want you to tell us about those. A. There was two barrels of apples sent there one season — I don't know what year it was — there was one season when there was a great abundance of crop, and we could scarcely take care of it. We had filled every empty cask we could get with vinegar, and they were using them by the bushel everywhere. One day, at a meeting of the trustees, my wife said to Mr. Nourse —

Gov. BUTLER. I don't think we will have that.

The WITNESS. — “I would like to send” —

Mr. BROWN. Never mind what she said to Mr. Nourse; but if, in consequence of the conversation, anything was done, state what it was.

The WITNESS. Well, sir, they were sent because she had permission from Mr. Nourse to do it.

Q. (By Gov. BUTLER.) Mrs. Marsh got permission? A. Yes, sir.

Q. (By Mr. BROWN.) You mean your wife? A. Yes, sir.

Q. Now, with that exception, have you any knowledge that any property of the Commonwealth went in any way to any member of your family? A. I think I said in my direct examination, not a dime's worth.

Q. I meant to have asked you on your direct examination in regard to John H. Chase; that is, the senior Chase. Was he discharged? A. He was; yes, sir.

Q. For what? A. Well, sir, for intemperance.

Q. Had you known him for many years? A. I had known him from a little boy.

Q. From a little boy? A. Yes, sir.

Q. Had you ever had to do with his education? A. Simply in the Sunday school; he was a Sunday-school boy of mine. I felt an interest in him; his father and mother were very fine folks and very good friends of mine.

Q. Was this the first occasion — was he discharged on the first occasion of his drunkenness? A. No, sir.

Q. How many times had it taken place? A. I knew him to be an intemperate man when I hired him. His friends said that he had been making a very strong effort to recover from his intemperate habits and wanted me to give him employment; and I took him upon trial. I told my board of trustees when I named him to them that I had known him from a boy, —

Gov. BUTLER. We won't go into that.

The WITNESS. That he was a man of intemperate habits.

Gov. BUTLER. Stop a moment. I object.

Q. (By Mr. BROWN.) Never mind what you told the trustees. You hired him and knew that was the fact? A. Yes, sir; I hired him.

Q. How long did you keep him straight? A. I should think in the neighborhood of ten months.

Q. Without his drinking? A. Without my knowing it.

Q. What happened then? A. He broke down — very bad.

Q. Did you have any conversation with him? A. Yes, sir.

Q. What was it? A. I told him I could not continue to hire him; that he might remain until the meeting of the board of trustees or inspectors — whatever they might have been at

that time — and if he had anything that he wanted to say to them, and they should be willing to make another trial, I would consent to it, or something like that.

Q. Did you make another trial of him? A. I did, sir.

Q. When did he next go astray?

Gov. BUTLER. That is to say, the trustees did?

Mr. BROWN. The trustees.*

The WITNESS. It was so long ago I don't remember; it was a few months.

Q. Then he was finally discharged on the third occasion, was he? A. The second, was it not?

Gov. BUTLER. The second.

Mr. BROWN. The second or third.

The WITNESS. The second or third.

Q. The bond which has been put in here of the College of Physicians and Surgeons, I notice, is of recent date. Was that given before — do you recollect whether that was given before any bodies had been delivered to them? A. I didn't hear what you said.

Q. Was that bond given by the College of Physicians and Surgeons given before any bodies had been delivered to them? A. I think so, sir.

Mr. BROWN. They were recently chartered, I believe.

Gov. BUTLER. What is that called; Boston College?

Mr. BROWN. Yes, sir.

Q. Now, Mr. Marsh, during the twenty-five years you were connected with that institution did you ever, in a single instance, pay a private debt with the funds of the Commonwealth? A. Never.

Gov. BUTLER. Why, you went over that.

Mr. BROWN. I asked the question in view of a question that was put by yourself.

Gov. BUTLER. My cross-examination was on the subject of coal.

The WITNESS. The books of the institution, Mr. Brown, show —

Gov. BUTLER. Well, pardon me, sir; I object. Stop there.

The WITNESS. Do you object to my saying the books show?

Gov. BUTLER. I object to what you are saying; yes. I have been all over that of the books — and you didn't keep them.

Mr. BROWN. Mr. Chairman, I take occasion now to call upon His Excellency for the production of a letter signed by

F. H. Nourse, George P. Elliot and William R. Spalding, dated at Tewksbury on the 4th day of September, 1876, a copy of which I find extended — which was addressed to His Excellency the governor at that time; a copy of which — I should say it was dated Aug. 31, 1876 — a copy of which letter is extended on the records of the board of inspectors, being the record of a meeting held at Tewksbury, Sept. 4, 1876. I call for it in order that if it should not be produced I may read the copy which is contained in this record.

Gov. BUTLER. If you will just let me look at it, so I may know where to find the letter, I will have the letter looked for.

Q. (By Mr. BROWN.) I have understood, Capt. Marsh, in regard to the reports which you have referred to —

Gov. BUTLER. In regard to what?

Mr. BROWN. The reports.

Q. I have understood with regard to the reports which have been referred to — the almshouse reports — that they were written in the rough by yourself in every instance? A. I said some were written by me, and in others my thoughts were put in my own shape, and then handed to somebody to polish up; in other words, to put in better language than I could use.

Q. Now, Captain, on your cross-examination —

Gov. BUTLER. That puts me in mind of a question I omitted to ask this witness.

Mr. BROWN. Will you ask him now?

Gov. BUTLER. Yes, sir.

Re-cross examination by Gov. Butler.

Q. Do you remember a committee of the legislature, containing Mr. Brown of West Newbury — when a committee, one of whom was Mr. Brown of West Newbury, and the other a Mr. Baldwin, I think, a committee of the legislature inspected your premises? A. Do I remember?

Q. Yes; do you remember of such a case? A. What were they?

Q. They were a committee of the legislature. A. Of the charitable committee.

Q. No, sir; I don't know whether they were of the charitable committee or not. They made a report to the legislature. I believe you spoke about it once when the Newburyport man was there? A. It was not me, I think, sir.

Q. Do you remember their making a report — of their

coming there and making a report? A. All I remember is this, sir; that when the investigation was had in 1876, I think, there was a minority report signed by Mr. Brown. Is that what you refer to?

Q. No, sir. I refer to the report that those two gentlemen made to the legislature, they being members of a committee of the legislature sent there to investigate or inspect? A. When what is known as the chapel was built, I think I said something like this, sir: that two of the governor's council came up, one being a Newburyport man.

Q. Mr. Couch? A. Mr. Couch and Mr. James Sturgis.

Gov. BUTLER. The men I refer to were members of the legislature and one was a West Newbury man, Mr. Brown. I will send down and get some memoranda.

Mr. BROWN. Was not the Newburyport man's name Dailey?

Gov. BUTLER. Dailey or Bailey, and Mr. Brown. I will have it here in a minute.

Re-direct examination by Mr. Brown (resumed).

Q. You said on cross-examination in reply to a question of the governor's, that the food could have been of a better quality if the appropriation had been larger. I want to ask whether this was the fact; that having a certain amount taken out of the appropriation for salaries, what remained you were to run the institution with; and that you in any way had to discriminate in regard to the quality of food in order to make that appropriation last through the year—the quality and variety, for instance? A. Yes. What I meant to say was, that I could not get the variety that some of the people claimed sick patients should have. I think the ordinary, the usual food of the house is good enough. I have been complained of both ways. On one side the food was well enough, and on the other not well enough. I have tried to keep a medium, and have tried to give them what I thought they ought to be satisfied with.

Q. (By Gov. BUTLER.) Complained of on both sides by the inmates? A. No, sir; I mean by the public.

Gov. BUTLER. Oh, the public. I thought it was strange if the inmates complained that the food was too good.

Q. (By Mr. BROWN.) The board of state charities was organized in 1879, was it not?

Gov. BUTLER. No; the board of lunacy,

Mr. BROWN. Well, the state board of health, lunacy and charity, if the three can be combined.

Q. The present board was organized in 1879? A. I should think it was.

Q. And they have cut down your appropriation, your estimate, have they not?

Gov. BUTLER. They have nothing to do with it.

The WITNESS. Yes, sir. If there has been any change, they have made it, or caused it to be made.

Gov. BUTLER. Does Capt. Marsh mean to say they have cut it down?

Mr. BROWN. They go before the committee and say it is too much.

The WITNESS. Usually Mr. Sanborn has been representing the board.

Gov. BUTLER. No; he has not been secretary until within nine months; if he went at all, he went in his capacity as inspector.

The WITNESS. That may have been, sir.

Gov. BUTLER. He did not go as secretary because he has not been secretary more than eight or nine months.

The WITNESS. Did I say secretary?

Gov. BUTLER. Yes, sir.

The WITNESS. I didn't intend to.

Q. (By Mr. BROWN.) Now in regard to these insane people coming to the institution. In one of your reports you mention the fact that they might be boarded cheaper at the almshouse, cheaper than at the hospitals; and the governor asked you if you caused them to be brought to the institution. What was the fact, if you remember it?

Gov. BUTLER. The report shows.

The WITNESS. I cannot tell you, it is so long ago. You had better refer to the reports.

Q. Now, you have said that through a series of years there was grain burnt which was used as coffee. Do I understand you to mean that that was prepared as coffee before it was brought to the institution? A. What are you now speaking of, sir?

Q. In regard to the grain that was burnt for use as coffee? A. I am not quite sure. I am of the impression that when I first went there grain was the principal material used for the supposed coffee; and after a time—this is a mere matter of

recollection ; I don't want to be positive about it — I think we must have bought the grain and then had it roasted. We used to grind it because we had a mill. I think we had a mill put in for grinding grain, and I think we used to grind coffee in the same mill. I think we must have had it roasted outside and then we ground it. And after a time we had apparatus put in for burning it, so as to burn coffee, and that was used until the power was taken away.

Q. Now, in regard to this coffee, or preparation, whatever it was, that came from Chicago ; what was the quality of that?

A. Well, sir, I used to use it myself on my own table.

Q. On your own table? A. Yes, sir.

Q. And you used it for the inmates? A. Yes, sir.

Q. It was a cheaper grade of material than coffee, was it?

A. It was represented to me as being a very nice article with good flavor.

Gov. BUTLER. An article of coffee or a substitute for coffee?

Mr. BROWN. A substitute for coffee.

Q. It was called coffee, was it not? Was it invoiced as coffee, or what was it? A. I don't remember ; I should say they had a peculiar mark, a trade mark for it — I don't remember what. It used to come shipped in barrels.

Q. Came shipped in barrels. A. We didn't use that a very great while.

Q. Now what was the occasion of your using this prepared grain ; was it simply a matter of economy? A. I found that to be in use when I went there.

Q. (By Gov. BUTLER.) Now which do you mean? A. I mean rye and barley.

Q. I thought you meant coffee. A. No, sir. This Chicago material was not used a great while.

Q. (By Mr. BROWN.) What led you to continue the use of burnt rye as a substitute? Was it a matter of economy or some other thing? A. I found it had been used and I continued to use it. It used to make a good drink, although it was not coffee. I have drunk gallons of it.

Gov. BUTLER. Yes ; rye makes a good drink when it is not coffee.

Mr. BROWN. Walnuts, you know, are first-rate.

The WITNESS. There are a good many things that make good coffee — good drink, if you please.

Q. (By Mr. BROWN.) Was the matter whether you

should always live on pauper's diet when there with your family at the almshouse ever under discussion, ever the subject of remark, contract, or anything of that sort? A. Not to my knowledge, sir.

Q. Have you ever had any fault found with you, either by the public or the inspectors, because you did have a little larger list of articles upon your table than was had upon the table of the inmates? A. Not to my knowledge.

Gov. BUTLER. My difficulty is, Mr. Brown, not that, but that he should have lived at all upon the institution.

The WITNESS. I understand that to be the governor's objection. Your objection is to having any living; any board —

Gov. BUTLER. Any board at the public expense. Because, the same words exactly, in the statute, at the State prison are construed the other way.

The WITNESS. The condition of things, — perhaps this is not evidence, but if you will allow me, — the condition of things is different. At Tewksbury they cannot board. The district school teacher has to go to Lowell. There is no building — there is no house that can be hired; there is not any means of support.

Gov. BUTLER. That is not it, Capt. Marsh.

The WITNESS. I don't want to put it in evidence.

Gov. BUTLER. This is the difference. The statute says that you shall live in the building; but it does not say that you shall live at the public expense in the building. Now, the living in the building was right, because that was a thing given you; and you were to go there as superintendent at so much salary, and with the right to live in the building. Now, in the case of the State prison, the same words — that the warden shall live in the prison or in the building — are used there; and there it is construed, and always has been, that the warden must pay; he shall live in the building and pay for his own living, and not live at public expense. Subsequently, there have been the State Reform School, the State Primary School and the Reformatory Prison for Women, where the statute is that the officers shall live in the building, at public expense, at public charge. So that there has no power been given you ever to have a dollar's worth of meat.

The WITNESS. Well, I followed what had been the custom of my predecessor.

Gov. BUTLER. Very likely. I don't mean to say that you have not.

Q. (By Mr. Brown.) That leads me to this: What has been your salary — the highest salary that you have received as superintendent of the almshouse? A. Twelve hundred and eighteen hundred dollars.

Q. For how many years did you have \$1,800 dollars? A. I cannot tell, unless you will allow me to refer to the books.

Q. I don't care to be accurate, but generally. A. My impression is that my salary was raised twice; perhaps from \$1,200 to \$1,500 and to \$1,800. I think the highest salary, of \$1,800, was fixed when Governor Bullock was governor. I think he approved of \$1,800.

Q. Now, Capt. Marsh, when you went there at a salary of \$1,200. — whether rightly or wrongly, I won't say anything about it. — was it understood that you should have your living in addition to your salary? A. I don't know that there was any understanding about it. My predecessor had been there and had his living, and I took his place, and supposed it was all right; nothing was said.

Q. Would you have stayed there at a salary of \$1,200 if you were to pay your own living expenses out of that? A. I should not have gone there if I had known it.

Q. Has there been any year when you would have stayed there for the salary you received if you had had to pay your living expenses out of it? A. No, sir.

Re-cross examination by Gov. Butler (resumed).

Q. I have now my memoranda. Hayden Brown of West Newbury, and Daniel Bailey, were the two committeemen who visited you. Do you remember them? A. I don't recollect Mr. Brown, that I remember of. I remember Mr. Bailey. There are some circumstances why I remember him. He told me what his business was, or something of that sort.

Q. Well, when did they visit you? A. I could not tell you, Governor. I had forgotten there was any such visit, sir. They were on the public charitable committee, and visited with the committee there. A part of the committee visited before the hearing was given, and I think they were on the committee. I have no recollection of their visiting only as the committee visited. They might have done so.

Gov. BUTLER. They visited as a committee.

Re-direct examination by Mr. Brown (resumed).

Q. You have always enjoyed good health since you have been at the institution, have you? A. I have had rheumatism two or three times.

Q. Has there been any period of time that you have been confined to your room by illness for several days so that you didn't get out? A. Except as I have been troubled with rheumatism; I think I might have been confined to the house two or three days; I would not say it was not a week.

Q. So that, with that exception of two or three days or a week, you have been on duty the entire twenty-five years? A. I have been absent, I think four times during my twenty-five years.

Q. Four times? A. I should think so.

Q. How long was that absence? A. I think in the fall of 1869 I became considerably out of health, and the physician recommended me to take respite, and I then went to California; that was the first year the road was open. I went to Gov. Claflin — after talking with my inspectors about it, I went to Gov. Claflin and got permission to go, and I think then I was gone about six weeks. Then, about five years after that, I took my wife and grand-daughter and went down to Bangor, St. John, Halifax, Frederickton, and all about the country there, — over to Dartmouth, — to see the country. I was gone then thirteen days. I took my daughter Nellie and went to the Adirondacks, and was gone two weeks; and two years ago I went as far west as Dakota.

Q. I want to ask you this question, Captain, and see if you can recollect anything of this kind: Do you recollect that any of your cows have had twins? A. I don't recollect the fact, only as my herdsman says there are two heifers in milk that are twin sisters.

Q. Only one instance where they have had twins to your knowledge? A. I don't remember any more, sir. I really don't remember that, sir, but I have been shown the sick list.

Q. You spoke about raising calves up to a certain period, and then you commenced selling those small calves for bob veal; what was the fact about that? A. Well, as I had more cows, of course there were more calves to be disposed of. I used to have them skinned and buried. I never should have got into the business of selling them, I think; I didn't like the idea.

Q. Well, when was it; can you give the date, about, when you first began to sell those calves a day or two old? A. I don't believe I could fix it: it might have been three or four years.

Q. Did you read that published letter from Frank Sanborn to Alexander H. Rice, when he was governor, dated March 23, 1876? A. It didn't come to me, sir; I didn't see it.

Q. Did you see it printed in this case? A. I presume I saw it.

Q. In connection with this case? A. I don't know that I did, sir.

Q. Well, do you recollect whether that letter was ever referred to the inspectors or trustees in that year, 1876? A. The governor, you will remember, asked me if I ever called for an investigation. I answered to the committee that I didn't think enough about it: I didn't remember what the charge was. But I was afterwards told that it was so referred. So it was sent by the governor to the trustees.

Q. Now, you said in answer to a question put to you by the governor, that you didn't take interest enough in the charge that your wife had been taking the clothing of inmates, to look into it. Now, I want you to tell me why. A. Well, sir, I knew it was not true.

Q. You knew it was not true. Do you recollect whether personally you called the attention of the trustees to the charge that was made at that time? A. By Mr. Sanborn, do you mean?

Gov. BUTLER. This was not made by Mr. Sanborn.

Mr. BROWN. The charge made to the governor by Mr. Sanborn.

Gov. BUTLER. He did not make any charge. The charge in that letter was the letter of the board, not by him.

Mr. BROWN. Yes; but my question was whether he heard of that.

Gov. BUTLER. You put it as made by Mr. Sanborn. It was the charge of the board. One of the objections was that Sanborn didn't make it himself when he went before the investigating committee.

Q. Now, something has been said about two earloads of coal —

Gov. BUTLER. Stop a moment. You examined about that, and I cross-examined.

Mr. BROWN. Yes ; but he brought out something in answer to your cross-examination which you would not let him state — something in regard to the transportation of the coal from the depot to the almshouse ; and I wanted to ask him about that.

Q. Who transported, who carted that coal from the depot to the almshouse, if you recollect? A. Well, all the coal that the almshouse uses is transported by the teams belonging to the almshouse.

Gov. BUTLER. That is what he said before. The inmates shovel it.

Q. Do you know what particular person had to do with that particular coal? A. No, I do not.

Q. I omitted to ask you this question in regard to Mrs. Pope : whether there was a difference which existed between you and Mrs. Pope, for any cause, in connection with which she left the institution? A. When she left, sir, she left because her husband had died there. She accompanied the remains to where they were to be buried — to Canada, or wherever it was. She was gone, I don't know how long, and on her return, of course, the place of cook had been filled. She wanted me to give her some place, and I hadn't any to give her, and didn't ; and I suppose she took offence.

Q. Did she say anything about it to you? A. Yes, sir.

Q. What did she say? You say she was offended. A. I cannot remember the words she used. I know she was offended about it.

Q. You have been asked in regard to Mr. Barker and Mrs. Barker ; was there any cause of complaint against Mrs. Barker? A. I never had any.

Gov. BUTLER. I beg pardon ; I must object. I simply asked if they were discharged ; that is all. And you have already gone into that before.

Mr. BROWN. I believe that is all, Captain.

Gov. BUTLER. I want to ask you a few more questions.

Re-cross examination by Gov. Butler resumed.

Q. Do you pay the expenses of this investigation? A. Well, that is a private matter, Governor.

Q. Well, pardon me ; I think not. Hold on a moment. I think it is not a private matter. You will answer the question till otherwise directed. A. I object to answering the question.

Q. I don't hear you. A. I say I regard that as a private

matter. It has nothing to do with the management of the institution.

Gov. BUTLER. Oh, yes; the investigation has a great deal to do with the management of the institution.

The WITNESS. I decline to answer.

Gov. BUTLER. I insist upon an answer.

The CHAIRMAN. I didn't quite get the question, Governor.

Gov. BUTLER. The question is, who pays for the defence of this investigation.

Mr. BROWN. I submit, Mr. Chairman, that was not the question that was put to the witness. The question put to him was whether he paid the expenses of this investigation.

Gov. BUTLER. I am content to take it so — or any part of them. We will not quibble. I wanted to go into that subject; I don't want to object to any form of words, because it is not words but the fact that I want.

The CHAIRMAN. It don't seem to me, really, that this has anything to do with the management of the affairs at the Tewksbury almshouse. I will submit it to the committee, if you insist.

Gov. BUTLER. Well, I insist upon the question. I think it will throw light upon this matter to my mind and to the minds of the committee. Here are witnesses brought here from great distances; here are very large expenses incurred; and I think if there is any public body behind, paying the expenses, why, then we know that there is a large interest somewhere to have this — to affect — I am trying to use soft words about it — to affect the testimony of witnesses; that there is somebody, if he does not pay them — and it would be very wonderful if he did, under the circumstances. Then I want to show the difficulties under which the investigation labors, so far as the presentation of it is concerned, and whether the Commonwealth is put at the expense of this prolonged investigation by Capt. Marsh or by some other body of men. The investigation is a very important part of the management of the Tewksbury almshouse: has had its effect upon it. Now, if there is any body of men, organized body of men, behind this defence, why, then I can understand the influences, the terrorism that would be brought upon the witnesses, in behalf of the prosecution. If there is no such body of men, then I can understand very well that they are freer to act and freer to testify. I remember many years ago that a question involved before a court came up, and there

was supposed to be behind the defence a body of men very largely interested in the defence. And the question was put to the witnesses, in order to show their bias, whether there was any such body of men. I refer, Mr. Chairman, to an investigation which you and I are probably old enough to remember, but which the younger gentlemen of the committee do not remember, — the Morgan investigation of the Masonic order. Certain people were being tried for the supposed abduction of Morgan. And the question was pressed in those trials whether the Masonic fraternity had subscribed money and means to carry on the defence, or whether the defence were defended as usual; whether it was put on the defendants, and what was the effect upon the minds of the witnesses. On the same ground I have raised the question here.

Mr. Brown. Mr. Chairman, the people of Massachusetts have been for twenty-nine years, about, interested in the running of this institution at Tewksbury. They have, from year to year, required their legislature, when assembled, to appropriate money for the running of this institution. And we have seen how, during that twenty-nine years, the institution has grown from a small beginning until it is now one of the largest institutions, if not the largest institution, of its kind in the United States. Now, sir, for the first time in the history of the Commonwealth its institution has been assailed. The power of the executive department, at the head of which stands one of the ablest, the most ingenious and the most persevering men of his time, with all the power and the force and the money at the command of the executive department, has been bent upon this investigation. I submit to the candid judgment of the people of this Commonwealth whether up to this moment, beyond the freak of a student, or the misplacing of five dollars which resulted from the sale of some pig, anything else has yet been discovered except that which is in accordance with a steady, conscientious, earnest growth of that benevolence which has brought about, and which has succeeded in producing and establishing this home, where every man in this community, without regard to his nationality, without regard to his race or color, finds in the moment of distress the succor and sanctuary which he so long desires. Now, His Excellency says that this defence has been protracted. Why, sir, I have not taken only one minute to his four since I opened this defence. His Excellency took twenty-eight days in putting in his case, and I am on my twenty-fifth. Expense! His

Excellency understands very well who pays the expense of this investigation. His Excellency is constantly — I think almost daily — putting his signature to the bills which are to be paid for the conduct of this investigation. I find by reference to the auditor's office that the stenographer's bill up to this moment is about \$3,000, \$2,500 of which has been paid. I find that the witness fees alone, — experts and witness fees, — amount to between \$800 and \$1,000. So that the total expense of finding out who got the money for this pig, and what students are guilty of the freak which resulted in the tanning of a piece of negro's skin, had amounted up to last Saturday to \$8,757.67. And I don't wonder he wants to know who is going to pay the expenses of this investigation.

Gov. BUTLER. That is not the question I ask.

Mr. BROWN. I don't wonder that he hesitates to go before the people of this Commonwealth and ask them to pay the expenses of this investigation. If he simply desires to know whether any organized body of men are behind Capt. Marsh for the purpose of paying these expenses, I am perfectly willing that Capt. Marsh should answer all he knows about — perfectly willing. But I might just as well ask him, or ask his witnesses, who pays for the expenses of the executive department. I might as well ask him why the district police in this case have required an expenditure of upwards of \$200 for travelling expenses in this investigation. Just as legitimate! just as legitimate! — nothing to do with this case whatever. But lest there might be some misconception upon this subject, I say to you, Mr. Chairman and gentlemen, that every man and woman in this Commonwealth has the right to contribute to the expenses of the defence where the good name and the honor of the Commonwealth is at stake. [Applause and laughter.]

Gov. BUTLER. We have had another explosion of fire-works. What is the question? The question is not what this investigation has cost the Commonwealth; that will all appear in the auditor's report; that cannot be denied, that cannot be winked out of sight, and nobody wants it winked out of sight. The question is, who is paying for the defence? That is the question, and that is the only question, I submit. Now it has been said here, rather a re-hash — no, not a re-hash; only a repetition of an editorial written in the "Traveller" last night — [Applause.]

The CHAIRMAN. This applause must cease. The committee cannot be disturbed.

Gov. BUTLER. That all that has been shown has been but the freak of some student skinning a negro. Well, to show the terrible condition of a man's mind who could so misrepresent, I have got specimens of five different skins of human beings, only one a negro, and I have presented here a pair of shoes all ready to be put on to the foot of some person who would buy them, cut out from the breast of a white woman [applause]; and I have got the whole skin of the back of another woman. What means this misrepresentation? This stands before the committee and before you the freak of a negro!—no, I beg the negro's pardon,—the freak of a student. Oh, no! It got to be a commerce. I found them in the stores, I found them on the workbench, I found them in the tanneries. And if this has cost \$20,000—this investigation—I am ready to go before the people of the Commonwealth or any other body of people, if it has accomplished nothing more than to stop this "new industry." [Laughter and applause.] I have done enough, and the money is well spent. Now that is one thing that has been said. Another thing has been said: that this institution never has been assailed before. God help us! What must be a man's mind that would say that? Rightly or wrongly, I don't say now, but we have heard that it has been twice investigated before the legislature already, and once a serious investigation. And we were told over and over again that in consequence of that investigation changes had been made which purified it somewhat. It has been shown that for years and years it was brought before the governor of the Commonwealth. Charges of murder, charges of theft, charges of embezzlement, charges of cruelty—those were the charges. And from year to year they were renewed before the governor by the board of state charities, the official organ of the Commonwealth. And such was the power of this institution as a political machine that the governor was afraid to examine in reply to these charges anything more than how clean the dish-rags were. [Applause.] Not one word about the murder was asked; not one word about the cruelties. This has all been before us, and it is said that this is the first time. Again, we are told that this was a very little institution when it was taken up by Capt. Marsh. There were as many people in it then as there are now; and so the reports show. It has not grown up. And then this other most

wonderful statement was made : that here was a home, a refuge, a harbor into which we all want to go — [laughter] — to eat and drink burnt rye for coffee and be knocked down by brutal men ; or, if cared for at all, cared for by pretty young women who are called matrons. We have had three or four specimens of them here, — young girls just out of school, — paying the price that was wanted, upon the testimony, for experienced nurses. If the gentleman insists upon arguing his case beforehand, I am ready.

The CHAIRMAN. I think, Governor, the case has been sufficiently argued.

Gov. BUTLER. Pardon me ; you let him do it and never said a word. I was very glad he opened the door and I am not going to have it closed on me until I get through. [Applause.] If you had stopped him I would not have said a word.

Now, then, it is said that the whole of the money in the hands of the executive has been used for this purpose—in this investigation. Well, that is true ; because there isn't any there ; not a dollar, not one ; and the only money that has been spent by the executive has been upon the approval of this committee that can be charged to the State, with the single exception of the employment of gentlemen of the district police, officers of the district police, who would go, as is their duty, and look up testimony and summon witnesses. That is all the means that the executive department of this Commonwealth has had at its disposal for this investigation and all that it has used. I wish I had had more, I should have used it, don't have any mistake about that. And then we are told what Mr. Brown found in the auditor's report. Why, if he makes as bad a mistake in the auditor's report as he has made about the skin, how can we trust him ? If his mind is so incapable of getting at the true fact, how can we trust him ? The question that I asked — and I have told you the reason for it, and given you a legal reason ; and I stopped and hesitated more than I generally do, gentlemen of the committee, to choose my words, so as to put the proposition where it could not give any offence, or cause any feeling or excitement — was a pure question of right. Shall I ask this witness, as bearing upon his own testimony, and bearing upon the testimony of the other witnesses, who pays the expense of this investigation. Because, I cannot conceive of his doing it now ; for, so far as he is concerned, the investigation ended some month or few weeks ago ; or any of his family ; so far as they are concerned, it ended

some time ago. And, so far as he is concerned, to-day, if it hadn't been, would have been the last day of his official life.

THE WITNESS. To-morrow, Governor.

GOV. BUTLER. To-morrow is the thirtieth, is it not?

THE WITNESS. Yes, sir.

GOV. BUTLER. Very well; a man becomes twenty-one years old the day before twenty-one years from the day he was born, — the day before. I am right, sir. Your official life ended to-day by the limitation of the statute; it runs out this hour.

MR. BROWN. If you are not any more nearly right about other things than you are about that, you are woefully mistaken.

GOV. BUTLER. What, about when a man becomes twenty-one years of age?

MR. BROWN. No; the other proposition, that his official life ends to-day.

GOV. BUTLER. It is as I have said; to-morrow is the thirtieth, and I understand he was elected on the thirtieth, and that brings his official life to an end when this day ends, at twelve o'clock.

MR. BROWN. He is elected for a year, and the year commences July 1st.

GOV. BUTLER. Now, without going into that, which is a matter of very small moment, a day or an hour — and all his officers fall with him — I am anxious to know who is prolonging — who is carrying on this investigation. I am not saying carrying it on too long for the purposes of those people who want to carry it on, but I want to know who pays the expense; and I think the Commonwealth have a right to know. I don't mean that it shall appear that all the expenses are chargeable to the prosecution. I don't mean it shall go that the governor, in this immense expense, has been responsible for it. I am not responsible for this stenographic report; the committee are responsible. I don't say whether rightly or wrongly; I have no complaint to make. But I have heard it, over and over again; that this investigation was brought on to this committee by the executive. I deny it in any form. There was a committee raised by the House of Representatives, and that committee was charged with this investigation; and the governor neither had anything to do with the appointing or raising the committee nor framing the order by which this investigation was started. I neither asked it nor desired it in any form. In the message I dealt with that which

parliamentary law says is ground for the impeachment of an officer — common fame and common report. And I said only: Has it not been testified before the grand jury, so and so? Whether rightly or wrongly, it had been. I was invited to take part and put in evidence. I have answered that invitation with a diligence and a perseverance, and with a desire to oblige the committee in that behalf, which I am certain they will give me credit for; and nothing else. I have not failed to answer the politeness of the committee in that regard in any way. Don't let us understand that I started this investigation any more than I started the investigation into the reasons why Warden Earle was discharged, except that I discharged him [applause] and a committee was raised to investigate it, and that committee has failed to sit. I would have been there just as well as here, dividing my time between you, if that had been started. But I want you to understand, gentlemen, I want the people of the Commonwealth to understand, that for this I am in no way responsible. I am only responsible for what I have done in it, and I thank God that he let me live so long that I have been able to do what I have. [Applause.] Now, then, Mr. Chairman, if this investigation has touched the good name and fame of Massachusetts, so that every child has the right to subscribe to its defence, be it so. Why object, then, to my finding out what child, what man, has subscribed to the defence? If it is so glorious and so noble a work, why make objection? Why deny an answer to the question? If the investigation has touched the good name and fame of the Commonwealth in any degree — and it has in some degree, I admit — yet it has more than restored that good name and fame, because it shows that now the Commonwealth have men at the head of it in the shape of your committee and the executive who are determined to apply a remedy for all misdeeds, so far as they are able to do it; and the remedy has already been applied. Judgment is confessed. [Applause.] Execution has followed; and not from the executive — not from the executive. Execution — and I give credit to the executioners who adjudicated and executed. The board of state charities, when the responsibility was thrown upon them, they hastened to relieve themselves of it, by putting the charge of this institution into the hands of others than those who have had charge of it for twenty-five years. They knew; they had been complaining, and their predecessors for years had tried to get the power. They had appealed to the executive for the

power; and an executive came into office who knew how to give them the power and was willing to give it to them; and as soon as it was given to them abuses were stopped by a change of personnel. See a moment! See a moment! Four or five governors have had a most terrible indictment, the worst parts of which never had been investigated, made against this institution. It came down as a *trans-mittendum* from governor to governor, by the board of state charities, renewed year by year, and nothing could be done because — for I am getting a little on dangerous ground — because for some good reason the executive of those years didn't like to interfere with it — I think I don't go too far. But there was an executive this year where the Marshes didn't attend his nominating convention, and he had no scruples in interfering with it; and he immediately put the power — determined to relieve himself of it — into the hands of the board of state charities, who were making the complaints, and said to them: "There; there is the power; you have been making complaints to all these executives; now do it yourselves; do it yourselves." And you, gentlemen, in the meantime, called the same executive into the investigation. That is all there is of it. And now I am only desiring to conduct this investigation upon the ground on which it is legal and competent.

THE CHAIRMAN. I will say in answer to your remarks as to the cost of the stenographer and printing, that the legislature is responsible for them in adopting the order.

Gov. BUTLER. I think so too, sir; I accept the amendment.

THE CHAIRMAN. I will submit the question to the committee.

MR. LEARNARD. I would like to have the question read.

[The stenographer read the original question, "Do you pay the expenses of this investigation?"]

Gov. BUTLER. "Of the *defence*" of the investigation.

MR. MURPHY. Didn't I understand Mr. Brown in his speech that he had no objection.

MR. BROWN. I don't think I made that remark.

MR. MURPHY. That you hadn't the slightest objection to Capt. Marsh telling what he knew so far as any organization was concerned.

MR. BROWN. With great respect I want to state that you haven't stated it correctly.

MR. MURPHY. Will the stenographer read that portion of Mr. Brown's remarks?

The CHAIRMAN. We are acting upon the question.

Mr. MURPHY. Can't I find that out?

[The stenographer read from Mr. Brown's remarks the sentence "If he simply desires to know whether any organized body of men are behind Capt. Marsh for the purpose of paying these expenses, I am perfectly willing that Capt. Marsh should answer all he knows about it—perfectly willing."]

Mr. MURPHY. That is about the same thing.

The CHAIRMAN. We will act upon the question as it is put.

[The question was rejected.]

Gov. BUTLER. I don't think I shall have to trouble you any more, Mr. Marsh.

Mr. BROWN. That is all, Capt. Marsh.

TESTIMONY OF FRANCIS H. NOURSE (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name is what? A. Francis H. Nourse.

Q. How old are you, Mr. Nourse? A. Sixty-four.

Gov. BUTLER. I am informed, gentlemen, that Mr. Nourse, who is on the Lowell Railroad, has a great deal of business to do to-morrow, and cannot be here without great inconvenience, not only to himself but to his occupation.

The CHAIRMAN. I think the committee have fully decided not to sit to-morrow, Governor.

Mr. BROWN. Then there will be no break in his testimony, because he can be here on Monday.

Gov. BUTLER. You do not intend to sit, sir?

The CHAIRMAN. Do not intend to sit; no, sir.

Gov. BUTLER. Then there is no objection to your going on with Mr. Nourse, and I will try to get through with him.

Q. Where do you reside? A. In Winchester; I have for the last ten years.

Q. Now, Mr. Nourse, you were one of the inspectors or trustees of this Tewksbury almshouse? A. Yes, sir.

Q. When did your connection with this institution, as inspector or trustee, or in any other capacity, commence? A. In 1863.

Q. In 1863? A. Under Governor Andrew.

Q. Now, have you been connected with the board of management in some capacity since that time, all the time? A. I have.

Q. During the year 1876, Mr. Nourse, do you recollect

whether His Excellency, Gov. Rice, referred to your board of management the communication of the board of health, lunacy and charity, or whatever it was. — the board of state charities.

Gov. BUTLER. It was the board of charity.

Q. Do you recollect a communication dated March 23, 1876, signed by Mr. Sanborn? A. One day, when I was in his office, the governor passed them over to me; didn't give me any written communication, but passed the documents over to me and said it belonged to our board, that we were charged to investigate and report.

Gov. BUTLER. Now you speak of the one that I read here?

Mr. BROWN. Have you the original document here, Governor?

Gov. BUTLER. I can send for it in two minutes.

Mr. BROWN. I can get him to identify it.

Q. Can you recollect what time in the year that was? A. I think it was in July.

Q. In July, 1876? A. Yes, sir.

Q. Was that communication addressed to the governor, read by your trustees, examined? A. It was by me referred to the board, and Mr. Safford, who was one of the trustees that they implicated with the rest of us; and the board referred it to me and Mr. Safford to investigate the matter and report to them; and, subsequently, a report was made by me to the board.

Q. (By Gov. BUTLER.) That in writing? A. Yes.

Q. (By Mr. BROWN.) Was that report which was made by you to the board in writing? A. No, sir; yes, sir; I submitted this report which was signed; yes, sir; that was.

Q. The report which you submitted to the board? A. Which was signed by all of us.

Q. Was that addressed to the governor? A. It was addressed to the governor.

Q. You submitted to your board a report addressed to the governor which was signed by all the trustees, was it? A. Yes, sir.

Q. And then sent to the governor? A. I left it at the governor's office, myself.

Q. Have you ever seen it since? A. No, sir; I have not.

Q. Was there a copy of it extended upon the records of your board? A. There was.

Q. Will you examine that record [handing book to witness] and tell me whether that is a copy of the communication which

was sent to His Excellency, the governor, at that time? A. I have no doubt this is a copy; it may not be; I can't say whether it is word for word, but it purported to be a copy made by the clerk, who is a sworn officer. I have not looked this over before this morning.

Gov. BUTLER. Nobody could tell whether it was an exact copy.

Q. You think it is a substantial copy? A. Yes, sir. This is the motion at the meeting which I referred to: "On motion *voted* that the charges preferred by the board of state charities" —

Gov. BUTLER. I don't object to this going in.

Mr. BROWN. He is reading from the record of a previous meeting, where the matter was referred to.

Gov. BUTLER. Certainly; put it in, sir.

The WITNESS. [Reading.]

"Voted that the charges preferred by the board of state charities to the governor, and by him referred to the inspectors, be referred to the chairman, who be requested to confer with Mr. Safford, and prepare a report to be submitted to the governor."

Mr. BROWN. And that meeting of the board —

Gov. BUTLER. What time was that?

Mr. BROWN. Was the August meeting, 1876.

Gov. BUTLER. Was what date?

The WITNESS. No; not August, was it?

Mr. BROWN. That was August 31, 1876. Then, at the meeting of September fourth, you made your report, did you, and it was signed by the trustees and copied into your records as a part of your record?

THE WITNESS. The next meeting was

"The complaints of the board of state charities and other papers sent to the governor, having been referred by him to the board of inspectors through the chairman, were presented to the board by him July 14th, 1876, but no formal action was taken thereon till August 31."

That is the record made at the time this was spread upon the records.

Mr. BROWN. Now, shall I read that, Governor?

Gov. BUTLER. Just let me look at that a moment; that will get the dates in my mind. It was referred by the governor to

you on the fourteenth, as this says, of July; no formal action was taken till the thirty-first of August, and, then, this report was made on the fourth of September. But, this report is in the form of a letter to His Excellency.

THE WITNESS. That is a copy, supposed to be a copy, of the letter.

GOV. BUTLER. What you call a report is the letter to His Excellency the governor.

THE WITNESS. That would not be entered upon the books till our next meeting, — authority from the board given to enter it upon the records.

GOV. BUTLER. What?

THE WITNESS. A report was made and then, immediately, when signed —

GOV. BUTLER. Let me see how this stands. Now, then [referring to the record book], August 31 you had a meeting, — you had one in July, — and now comes the meeting of August 31. At the regular meeting of the board certain bills were passed, and, then, the next business was — after they got through the bills, the next business was — “on motion, voted, that the matter of vacation to Mr. and Mrs. Jones,” should be done so-and-so; and then, the next thing that was done, “on motion, voted, that the superintendent be authorized to employ Messrs. Pedrick and Closson to appraise the property.” And the next thing done was, “voted, that the following in reference to Miss Helen M. Marsh, be adopted, copied upon the records, and a copy be furnished to her by the clerk:

“*Resolved*, That in accepting the resignation of Dr. Helen M. Marsh, we desire to express our confidence in her professional ability, and appreciation of her six years of faithful service in this institution. We wish and bespeak for her the same success in other fields which she has worthily obtained in this.”

Then the resignation of Mrs. Nellie E. Marsh, assistant matron, was presented. That is another Miss Marsh.

THE WITNESS. That is Thomas J. Marsh, Jr.’s, wife.

GOV. BUTLER. Which was accepted.

THE WITNESS. The resignation was accepted.

Q. Was she the matron of the sewing department? A. Yes, sir; her resignation was accepted.

GOV. BUTLER. Then “on motion, voted, that the charges preferred by the board of state charities to the governor, and by

him referred to the inspectors, be referred to the chairman, who be requested to confer with Mr. Safford and prepare a report to be submitted to the governor." "Freddie Lang was indentured to William Linton of Lawrence." "Voted to adjourn at the call of the chairman." And, then, next, we have the special meeting Sept. 4, 1876. "Present at this meeting: Messrs. Nourse, Elliot and Spalding," — those were the three trustees. "The chairman submitted the following report in reference to the charges referred to him at the last meeting, which was adopted. The clerk was directed to copy the same on the records." Then it begins, "Commonwealth of Massachusetts, State almshouse, Tewksbury, August 31, 1876," and then goes on with that. Well, I have no doubt that is like the other report, but if we find it is not —

MR. BROWN. Then you can call attention to it.

GOV. BUTLER. Then I will call attention to it. Here it is. [Referring to document handed him.]

MR. BROWN. That is the original letter?

GOV. BUTLER. That is the original letter.

MR. BROWN. Before I read this I should like to look at that a moment. [Paper handed Mr. Brown by the governor.]

Q. Do you recollect, Mr. Nourse, whether that was the communication which was referred to you? [Handing paper to witness.] A. Well, sir, I have no means of identifying any papers which were referred to me, only there was a mass of them, quite a large lot of them, by the board of state charities, and some published interviews that you will find reference to in the report. I put no mark on them so I could identify them.

Q. Did you read the letter of March 23, 1876, which was published in connection with this investigation, addressed to Gov. Rice? A. I read this; I didn't read the article.

Q. You read the letter? A. I read this, of course,

GOV. BUTLER. This isn't the letter of Mr. Sanborn; it is the letter of the board of charities.

MR. BROWN. By Mr. Sanborn, that is all.

GOV. BUTLER. There is no doubt that is the one referred to; there isn't any other.

THE WITNESS. There was other material, and a mass of newspaper matter.

[Mr. Brown then read the following from the record of the inspectors]: —

STATE ALMSHOUSE, TEWKSBURY, August 31, 1876.

To His Excellency, the Governor:—

The undersigned, Inspectors of the State Almshouse at Tewksbury, under the instructions of your Excellency to report upon sundry papers referred to them concerning the administration of that institution, respectfully offer the following statement:—

The complaints, and charges contained in the aforesaid papers, may be classed under three heads: first, charges affecting the management of the almshouse by the superintendent and his officers; second, charges touching private character; third, complaints involving the inspectors.

The charges in the first division have been thoroughly investigated and adjudicated by a committee of the legislature, and their several reports, marked "A," to which your Excellency is respectfully referred, have been formally and finally acted upon by that body; and we also ask your attention to our reply herewith transmitted, marked "B," made before that committee in answer to these charges. The undersigned have made all reasonable effort to accomplish any reforms suggested in those reports, and hope soon to complete them. The medical department has been carefully reorganized with a competent corps of physicians and nurses, under the act of the legislature passed May, 1876. Two of the six assistants who are members of the superintendent's family, have already resigned, and the resignation of a third has been offered. This leaves to the superintendent only the aid of his faithful wife and of his two sons, one in the clerical and the other in the executive department; and we respectfully submit to your Excellency that after eighteen years of conscientious service this officer, in his declining years, is entitled to this much of aid from members of his family of long experience in this special sphere of duty, especially as one of them has been permanently disabled in the employment of the State.

The charges made under the second head have received the attention from the legislature to which they were entitled. They have long and favorably known the officer accused, they have found no occasion to question his integrity or purity of character and conduct during an official career of more than eighteen years. We have, however, made no formal investigation of this charge, as, in our opinion, it would not be proper to put Mr. Marsh upon his trial upon a charge so grave, and which, by merely being made, would so seriously affect his good name and standing, upon mere rumor. If charges like this are to be investigated formally by us, they should be preferred in writing, with the assurance that they could be substantiated by some direct testimony. We do not consider it our duty to go forth prospecting among loose women to find evidence of such gossip. It is enough for us now to say that we have informed Thomas J. Marsh, Jr., of the charge, and he assures us that it is utterly devoid of truth.

We have no knowledge of any deficiency of \$1,500, or of any other amount, in the account of the institution. The financial statements have always been carefully examined by us, and we are fully satisfied that all the money received from the treasury of the Commonwealth have been honestly disbursed, and we have no reason to doubt that all the money received from inmates or from the sale of anything from the institution, has been duly accounted for. It is further understood that Dr. Nichols, who signed the charges alluded to, has no personal knowledge of the alleged facts, and that they rest merely on the gossip of the malicious, lewd and wanton. All the other complaints are of minor importance and are either too trifling for extended notice, being founded on a misapprehension of facts and motives, or are based on similar and unreliable testimony. Special allusion should be here made to a letter signed by one Bernard O'Kane, accompanying these papers. This person was detailed to labor in the institution at the urgent request of Gov. Andrew, and was soon discharged for drunkenness and undue familiarity with female inmates, offences which he did not pretend to deny. Since that date he has been a chronic slanderer of the institution and its officers.

The third group of charges affects the majority of the present board of inspectors, and has no bearing upon their colleague, Mr. Spalding. The undersigned desire to say, in regard to our own course, that we are aware, not only of no dereliction of duty, but are satisfied that our duties have been discharged to the institution with an interest in its welfare beyond what the letter of the statute or by-laws would require. It is utterly impossible for a supervising board, as constituted and paid under existing laws, to know every single thing going on, or that may have transpired in their absence in a community of 1,000 abnormal beings. The weekly visits required by law have been duly made, and the monthly meetings have been statefully held, when the accounts have been carefully examined. But there is no provision of law by which the board of inspectors can be made a detective force for the prevention or punishment of offences which must and do occur even in every normal community of equal size, or for the discovery and restraint of all the shortcomings which happen not only in every institution but in every household.

In regard to the suggestion of the board of state charities, we have only to say that we should not resign our position at the request of anybody, if such resignation could be in any way construed as an admission of fault on our part.

In the faith that your Excellency will appreciate the perplexities of their position, and in the assurance that the people of the State do not expect perfection in managing an institution of this peculiar character, but will demand no more than a conscientious and reason-

ably judicious use of the means placed in their hands by the Commonwealth, they remain with great respect,

Your Excellency's obedient servants,

(Signed) F. H. NOURSE,
GEORGE P. ELLIOT,
WILLIAM R. SPALDING.

Inspectors.

Now, Mr. Nourse, I want to call your attention, before closing the report of this meeting, to another matter. Perhaps, Mr. Chairman, I will read the entire record of this meeting. [Reading.]

On motion, *voted*, that the papers referred to the board by the governor be returned to him with the report of the inspectors thereon. The complaints of the board of state charities and other papers sent to the governor, having been referred by him to the board of inspectors through the chairman, were presented to the board by him July 14, 1876, but no formal action was taken thereon until August 31, 1876.

On motion, *voted*, to refer the communication of Col. Gardiner Tufts in relation to the indenture of Fred Lang, to Mr. Spalding, to investigate and to take such action thereon as he may see fit and report the same to the board.

The complaint of Agnes Calder against Emmons French for bad treatment of the insane, particularly of Mrs. Flemming, having been fully heard, July 31, by her own statement and that of Drs. Lathrop and Marsh, Mrs. Wardwell and Mr. and Mrs. Emmons French, were deemed by the board of inspectors to be unfounded.

CHARLES P. MARSH, *Clerk.*

Q. Now, Mr. Nourse, this communication, referred to you, upon which you made this report, was investigated, you say, by yourself and —

Gov. BUTLER. No; he has not said that.

Mr. BROWN. Yes, he said so; but let us see.

Q. Was it referred to a sub-committee of your board? A. It was referred to myself and Mr. Safford, a former member.

Q. Did you investigate it?

Gov. BUTLER. He says he didn't, in the communication.

Mr. BROWN. I beg your pardon; he says he did in the communication.

Gov. BUTLER. He says he didn't, one part of it.

THE WITNESS. We did investigate as far as it was in our power to do.

Q. What did you do? A. We talked with the different parties named. There is no charge of any misconduct, for instance, on the part of Thomas J. Marsh with any person, and, of course, we had no person to go to excepting Thomas J. Marsh.

Q. (By Gov. BUTLER.) By the name, you mean the two? A. Yes; one other charge was that Mrs. Marsh stole the goods of the inmates.

Q. (By Mr. BROWN.) Now, did you try to ascertain the facts with regard to that? A. We talked with Capt. Marsh about it, and he showed us where the clothing of the inmates had been made up, made over for other inmates and for various purposes.

Q. Did you ascertain or have any reason to know in any way from any source that any clothing of inmates had been appropriated by Mrs. Marsh or anybody else?

Gov. BUTLER. Stop a moment; I object to that question.

Mr. BROWN. What is the objection?

Gov. BUTLER. Well, the objection is that you are now asking him if he had any reason to know. You have asked him what he did, and he says he talked with Captain Marsh about it, and that was all; now you are trying to get in the question, had you reason to know from anybody else.

Mr. BROWN. I didn't understand him to say that was all.

Gov. BUTLER. He said so.

Mr. BROWN. I didn't understand him to say so.

Gov. BUTLER. Yes, sir; all about the clothing, he said. I can't be mistaken.

Q. I will put this question to you, Mr. Nourse: Did you ever have any information from any inmate during any time that you have been an officer in that institution, that any of the Marsh family appropriated to themselves for their own use the clothing of inmates? A. Never.

Q. Never did? A. No, sir.

Q. Did you ever know or hear of such a fact from any officer of the institution? A. Never did.

Q. With the exception of the communication of Mr. Sanborn, as a member of the board of charities, to the governor, did you ever hear of it till this investigation?

Gov. BUTLER. Not Mr. Sanborn as a member of the board ; a communication of the board.

Mr. BROWN. I don't care who it was from.

Gov. BUTLER. Through their secretary.

Q. With the exception of that communication, dated March 23, 1876, up to the date of this investigation, did you ever hear of it, sir? A. I haven't any recollection of ever hearing anything of the kind. I will say that the most we feared was discharged officers, because they would not tell the truth, and there would be some gossip by discharged officers, sometimes.

Gov. BUTLER. All the discharged officers could not tell the truth.

The WITNESS. I didn't mean to say that, Governor ; I believe I didn't say that. I said we had the fear of misrepresentation from discharged officers ; but that didn't prevent our discharging them, at the same time.

Q. Now, I want to come at this matter of Agnes Calder and the charge against Emmons French for bad treatment of the insane ; do you recollect about that? A. I recollect the case very well, indeed.

Q. Now, state all the facts ; by the way, was that the same Mrs. Calder who testified here as a witness? A. I am not able to say.

Mr. BROWN. We will show that she was. Is there any question about it?

Gov. BUTLER. I don't know a word about it.

Mr. BROWN. We will show she was the same Mrs. Calder.

The WITNESS. That complaint came up at our meeting at the time we were all there, and we sent for the parties to come forward. We sent for her and she first made her statement, and before she got through she said there was nothing to it, didn't amount to anything, — crazy woman. Not content with that we called upon the physicians, and took their statements ; and we called upon Mr. and Mrs. French. The charge was, the first charge was, that she was compelled to put her hands up and stand right against the wall.—

Q. That who was? A. This woman, this crazy woman ; she flung herself against the wall and showed us, and said, " I was obliged to do so." Before she got through with it, after a few simple questions, she denied it ; said it was not so. And Mr. and Mrs. French were questioned about it, and the doctors.

Mr. BROWN. Turn to the 280th page of the record and you

will find the testimony of Agnes Calder. You will find the commencement of the relation about Mr. French on the 282d page.

Q. Did she at that time complain that Mr. French had beaten anybody or kicked anybody, or anything of that kind?

A. That was the complaint she went before the committee with.

Q. Now, state all that you recollect with regard to the complaint that she made before the committee.

Gov. BUTLER. All she says there [referring to the record] is in regard to a single insane woman.

Mr. BROWN. Yes, there are two; one kicked on the back, and one choked with somebody's fingers.

Gov. BUTLER. All that was inflicted, according to that record, upon a single insane woman.

Mr. BROWN. She doesn't say there was ever an investigation.

Gov. BUTLER. I am talking about this record.

Mr. BROWN. The inspectors called that woman.

Q. Now, did she make any other complaint except this one which was referred to in this record, at the time she was before you? A. I haven't any recollection of it.

Q. Now, Mr. Nourse, in your connection with that institution since 1863, have you ever been able to ascertain that any of its officers have been guilty of cruelty towards the inmates?

A. I don't remember of but two or three instances, and then the officers were discharged.

Q. Can you tell these instances? A. I recollect the superintendent speaking of one, — I don't remember names, I am very bad at that, — but the superintendent spoke of one that had abused one of the inmates and he discharged him, and we approved of his course.

Q. Was that Mr. Walter Winning? A. As I say, I am not able to say; I recollect distinctly of it.

Q. Give us your best recollection as to how many, during the twenty years from '63, of these occurrences took place? A. I don't remember; these are not fixed in my mind definitely; I don't remember over three.

Q. Have you frequently, or in each year, or at any time, been before the legislative committee upon the subject of appropriations for this institution? A. Do you mean the committee on charitable institutions, or the finance committee?

Q. The finance committee. A. I have been before both.

I cannot say I have each year, but I have numerous times.

Q. Now, without going into detail, I will ask you, Mr. Nourse, within your experience and according to your judgment, has the appropriation for the support of these people been sufficient during the last twenty years? A. I should say not. In a good many instances I have been before the finance committee by request and stated the needs of the institution, and said to them, of course it was a matter that didn't personally interest us, but for the benefit of the institution, and for the benefit of the people whose care was under us, that we ought to have more money, — more money for the purpose of procuring nurses, and, also, for a different class of supplies. I should say that in 1863, when I first went to the institution, there was but one paid nurse in the institution.

Q. One paid nurse in the institution in 1863. A. And she was nurse to the lying-in women. All the rest of the nursing was done by inmates. At that time there was no hospital. The sick were scattered all over the building, the main building, and I had occasion before the committee on charitable institutions frequently to call their attention to it, — the great need for a hospital, — and that the people were not well cared for, the well people; there were sick people all around them. It was not proper; it was not decent. But for a long time no heed was paid to it. I can't tell when they began to increase the nurses; I can by the books. For a long time no heed was paid to it, and I finally took the position that, as the inmates were not proper to have charge of the sick, — were not responsible, — that we should have somebody paid that would be responsible for their care.

Gov. BUTLER. I don't think this is competent evidence, but I don't object to it. I think the worst testimony against the action of the Commonwealth is now being put in, but I am quite content to hear it.

Mr. BROWN. Go on, Mr. Nourse.

Gov. BUTLER. I have heard it sometimes said that we were highly benevolent.

The WITNESS. When the necessity is shown for benevolence.

Gov. BUTLER. Yes; but you shew a necessity.

The WITNESS. We did after a while, sir.

Gov. BUTLER. Pretty long time.

The WITNESS. Kept hammering away.

Gov. BUTLER. Go on, sir; you are doing well, .

THE WITNESS. The institution at that time would not be recognized, hardly, in its present condition.

Q. What was the difference in its condition? **A.** Old buildings were in the rear of the present ones; an old, crazy-house was down by the gate, and these were brought close up to the buildings; and water-closets were in these buildings which were very offensive; obliged to be cleaned out certainly three times a week, which was extremely offensive. As appropriations were given from time to time, we improved them, moved off the buildings, and, finally, after a good deal of effort, we have, now, water-closets through all the buildings, which has removed one great source of complaint.

Q. Mr. Nourse, won't you tell me, or tell the committee in a very few words, what has been the changed character of the institution from 1862 to 1883, in reference to the ability of the inmates to perform labor necessary to run the institution? **A.** At the time I first went there, the inmates were more able-bodied, and could perform a good deal more work. At the present time, there is hardly enough to be obtained, — hardly enough assistance from the inmates, — to do any work excepting the most trivial; and the best help we have had for the last five or six years has been the insane, — the chronic and incurable insane. The men would perform labor on the farm, which was for their benefit as well as for the benefit of the State, but that number has gradually dropped away, and the board of state charities have removed all those. They did remove all but a few which were able to labor, and they allowed us to keep those; and the same with the females, — although, now, the institution is being filled more with the females than with the males.

Q. Mr. Nourse, have you ever had any knowledge that any member of the Marsh family have appropriated to themselves or given to others any property of the Commonwealth? **A.** No, sir.

Gov. BUTLER. They probably didn't tell him.

THE WITNESS. Captain Marsh stated about two barrels of apples; I have no recollection about it; I presume he stated the truth about it, but I haven't any recollection about it.

Q. Has your attention ever been called by anybody to that fact prior to this investigation? **A.** No, sir; it has not.

Q. Now, sir, with the exception of what was contained in that letter of Mr. Sauborn, representing the board of charities,

to Gov. Rice, which was referred to your committee, have you ever, prior to this investigation, heard the charge made that Mrs. Marsh —

Gov. BUTLER. You asked that question before.

Mr. BROWN. This is another, as you will see when you have heard it,—that Mrs. Marsh or any member of the Marsh family had appropriated any of the clothing or property of the inmates?

Gov. BUTLER. You asked this question before.

Mr. BROWN. Well, then, no need of answering it again.

Gov. BUTLER. If you just think of it you will see; and then, you followed it by asking if he heard any of the inmates —

Mr. BROWN. Let it go, then.

The WITNESS. I answered that generally that I didn't think I did; but I think the same charges were before the committee of the legislature in 1876. I don't wish to be misunderstood.

Gov. BUTLER. They were not.

The WITNESS. I had that impression.

Gov. BUTLER. I saw you had it by your report, but they were not.

Q. Mr. Nourse, when you first became connected with the institution, were there any bodies delivered to medical schools for any purpose? A. Yes, sir.

Q. And, from '62 or '63 to '73, who was directed by the management of the institution to have charge of that matter?

Gov. BUTLER. If anybody.

Mr. BROWN. If anybody.

A. I don't think the trustees had anything to do with it; I think it was done by the superintendent till about ten years ago.

Q. What was done ten years ago? A. Some ten years ago, about that —

Gov. BUTLER. I beg your pardon. Now, the trustees can only act as a body, and their action is on record. I object to what the trustees did that is not of record, because they can't do anything —

Mr. BROWN. I don't know but you may say it is improper, and I am perfectly willing you should.

Gov. BUTLER. They can't act except by vote, and that vote

should be recorded, and the record is the evidence of their action.

MR. BROWN. Suppose it was not recorded?

GOV. BUTLER. Then it was not done.

Q. What was done, then, Mr. Nourse? A. The superintendent expressed himself dissatisfied with the manner in which that business was done, inasmuch as the people who were called upon to do it made considerable talk amongst themselves, which was not deemed proper.

Q. Why not? A. It is a matter—

GOV. BUTLER. Well, I object, now. I make a formal objection. I do not object to any action taken by the trustees, but what people thought, and what people didn't think, as detailed to the trustees, and what the trustees thought and didn't think, is not evidence here. And, if there was any action taken, I want it proved by the books: and I claim, now, that there is no action taken.—I didn't go back of '69,—from '69 to '79, on the records, by the board of trustees. And, to have trustees come here and undertake to swear what was talked of and what was done, or what was supposed to be done, is not proper evidence. This board is a public board of public officers, appointed by the governor, with the advice and consent of the council, entrusted by law with certain duties; they can only speak as to their duties through the records. Because, otherwise, what was done would depend upon the life of each one of them. They would have to carry it in their memory. I suppose there is nothing clearer than that, and nothing that ought to be clearer, for the reason, how shall we ascertain what public officers do who can only act by vote? It so happens that in this case they cannot act by a majority vote. There is no provision that the trustees by a majority of them shall do anything; and, I suppose the rule is well established, that where there is no provision in the act creating a board of trustees, referees, or anybody else, that they shall act by majority, they must act unanimously. As in the case of arbitrators and referees; if you refer to a board of arbitrators, if you don't put in the provision that the report of the greater number of them, or some similar provision, shall be final or conclusive, or whatever it may be, then all must sign the report or it is void. So, here, we have no earthly means of knowing anything about this if we don't stand by the record, and I am very anxious to have the whole record put in, and every portion, because there is a good deal to be inferred from the

absence of record. The want of it speaks quite as loud as it speaks for itself. And I object to Mr. Nourse telling what he thinks the trustees did and what he thinks the trustees didn't do.

MR. BROWN. Mr. Chairman: The charge against the management of this institution upon this subject, is this: That they have sold the bodies of human beings for money and that they haven't put the money into the treasury of the Commonwealth. Now, we deny that they have ever sold the bodies of human beings. We say that they have acted under the provisions of a public law which required them to deliver to physicians, surgeons, medical colleges, incorporated, after having received a proper bond, the bodies of those persons who were to be buried at the public expense. It was not a matter of preference; it was not a matter about which they could exercise their judgment and discretion. They were obliged to do it, and the only restriction put upon them by the statute is that they should do it in such a way as not to offend public sentiment. It is the edict of the people of this Commonwealth that these men shall do it; that they shall do it in a way so as not to offend public sentiment. The manner in which it shall be done, under that expression of the statute, is left entirely to them. And, if this matter is of the slightest consequence at all, it is of consequence that this committee shall know precisely what was and what was not done. I understand the burden of His Excellency's song to be that they have violated a public law, that they have outraged public sentiment. Now, it is simply absurd to say that because these trustees kept no record of this business therefore they cannot show what they did. That is absurd.

GOV. BUTLER. I go further, and say that, therefore, they didn't do it.

MR. BROWN. What say?

GOV. BUTLER. I go further and say that, therefore, they didn't do it.

MR. BROWN. Well, I am not responsible for any somersault which you may make. But, I say this, that I stand here ready to fulfil the promise that I made to this committee, that the very inside of this institution I would turn open to the public inspection, so that they could see exactly what had been done; and that I stand ready to do. If His Excellency is unwilling that this man should state what they did in the exercise of that discretion which the statute imposed upon them, as regards the

manner of the doing of this, let him come out and say so. Whether the thing was legally done or illegally done, is a question that I am perfectly willing to submit to this committee and to the public and to the country, when the public and the country shall know what we did. That is all I ask; I want to show what we did; nothing else. Nothing to conceal, nothing to cover up. We will furnish a record which we believe satisfies the law. That is all we ask to show, and my question to this witness is simply this: what did you do? That is all. If the witness has a mind to put in some immaterial matter which the trustees thought, that I don't care anything about; but I want to know what the trustees did; commencing, of course, with 1873, because that is the particular period complained of; from that down.

Gov. BUTLER. Oh, no; long before.

Mr. BROWN. Well, you haven't offered any evidence or anything earlier than 1873. Oh, yes; you did. That lunatic Dixwell did say something about '71 and '72, but I supposed he had passed out of the memory of even the other lunatics of the Commonwealth.

The CHAIRMAN. The time for adjournment having arrived, this hearing will stand adjourned to half-past nine on Monday.

Gov. BUTLER. I wish you could go on to-morrow, because I want to close this up.

The CHAIRMAN. I have tried hard to get a quorum to sit to-morrow,* but I am not able to do so.

Gov. BUTLER. Well, it is your decision and not my wish.

FIFTY-FOURTH HEARING.

MONDAY, July 2.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

TESTIMONY OF FRANCIS H. NOURSE (*resumed*).*Direct examination by Mr. Brown continued.*

The CHAIRMAN. When the committee adjourned there was pending a question on the admissibility of evidence. Those of the committee who were here and heard the arguments will have to settle it, I suppose.

Mr. LEARNARD. Will the chairman state what the question is?

The CHAIRMAN. I understand it to be whether anything except a record, a vote —

Gov. BUTLER. Whether there can be any evidence of the doings of the trustees —

The CHAIRMAN. — except the records.

Gov. BUTLER. — that don't appear of record. Whether the acts and doings of a body of public officers can rest in the memory simply of individual members, and be lost to the world whenever — that a board of trustees, in other words, can act verbally. They must put their actions and directions in writing in some form. If they make an appointment of anybody they should put that in writing. If they made a record of it without putting it in writing, why, that would be sufficient. If they made an appointment in writing without making a record, that would be the record. They may act by a vote, or they may act by the signatures of all the parties. A board of trustees have no right, unless they have some statute authority, to act by majorities even. It would be exceedingly loose. I have never heard it done in any courts of justice.

Mr. BROWN His Excellency has stated the objection. What

I wanted to show was what the trustees and the superintendent — for they are the board in this business ; it is not the trustees, it is the trustees and the superintendent — I wanted to show what they did. Now, there is not any record of the trustees and the superintendent, as I understand it. The record is the record of the trustees ; that is the only record that has ever been kept. I wanted to show simply what had been done ; whether it is legal or illegal, I don't care anything about that. I want the committee and the public to draw their own conclusions whether these people have done right. I want the committee to know what they did. That is all.

The CHAIRMAN. This was in reference to the disposition of dead bodies.

Gov. BUTLER. I want them to know what they did, and I say they cannot do anything except they do it in the only way that public officers can act. There is no board of superintendent and trustees ; the superintendent is their subordinate.

Mr. GILMORE. It seems to me that the committee ought to know what the understanding was. I don't know as to the legal point, but it seems to me that the committee ought to know what the instructions were, even if they were verbal.

The CHAIRMAN. "The trustees and the superintendent of the state almshouse may" deliver up bodies.

Gov. BUTLER. The superintendent has told us that he had nothing to do with it, that he left it to the trustees.

Mr. BROWN. I don't recollect that.

Gov. BUTLER. Oh, yes ; I asked him specially, and he said he left it to the trustees.

Mr. BROWN. He said he didn't have to do with it personally. He said he knew what was going on.

Gov. BUTLER. He knew what was done ; I understand that.

Mr. BROWN. And his son, Thomas, had been instructed to do it by the trustees. I suppose that if this thing cannot be gone into in chief, it cannot be gone into on cross-examination.

Gov. BUTLER. Of course not.

Mr. BROWN. Then I suppose the record of what these people did, so far as there is any, is the only record that can be considered. I am perfectly willing to admit it if it is understood that there is to be no cross-examination on this subject.

Gov. BUTLER. What subject do you mean ?

Mr. BROWN. And to rely entirely upon the record of these trustees.

Gov. BUTLER. I shall not cross-examine as to what the trustees did, certainly, except by the records; but what other people did, I shall ask about.

The CHAIRMAN. I suppose a verbal order from the trustees, or from any one of them, would be sufficient for the superintendent to act.

Gov. BUTLER. Certainly, sir.

The CHAIRMAN. Undoubtedly he would act.

Gov. BUTLER. I think not, sir.

The CHAIRMAN. Is the committee ready for the question? Is the question withdrawn?

Mr. BROWN. Upon the understanding that there is to be no cross-examination upon the subject, I will withdraw the question.

Gov. BUTLER. Well, "the subject" is a little large.

Mr. BROWN. I mean the subject as to what these trustees did. If there is to be no cross-examination, and the whole case is to be proven by the record, then I will stop with the record, and I ask the governor to stop with it.

Gov. BUTLER. On that point I will, sir.

Mr. BROWN. Very well, then, I withdraw it.

Gov. BUTLER. I know what the record is.

Q. (By Mr. BROWN.) Mr. Nourse, turn to page 272 of the last volume of the records of the trustees, and tell me if that is a record of a special meeting held on the 22d day of March, 1883? A. That purports to be, and I presume is a copy of the report made to the board of health, lunacy and charity.

Q. I mean the whole record from there to there. [Indicating.] A. Yes; the report was read.

Gov. BUTLER. What year?

Mr. BROWN. This present year, 1883.

The WITNESS. That I suppose to be a copy of the report made to the board of health, lunacy and charity. [Book handed to Gov. Butler for inspection.]

Mr. BROWN. Commencing on the other page, Governor — on page 272.

Gov. BUTLER. I have it, sir. I object to this record. This record, on the 22d March, purports to be simply a letter put in there about what the trustees had then done, or what had been done. It is the first record of anything about dead bodies that appears on the books of the trustees, so far as I know. If there is any other, I beg to be corrected. I have ex-

amined it. Here is a letter, a copy of a letter, written by the witness on the 22d of March, 1883, which begins as follows.

MR. BROWN. You are putting it in now.

GOV. BUTLER. No, sir; I am not reading the record to show what was done, but to show what the writing is. [Reading.]

"Mr. Nourse submitted a letter which had been prepared for the state board of health, lunacy and charity, which was read, adopted and signed, and, on motion, it was voted that it be copied on the records and the original forwarded to the board of health, lunacy and charity."

Then follows the letter. Now, the question is, whether it shall come in — whether this is evidence, under the circumstances. It is not a vote of theirs. It is a letter written to somebody after this investigation — after this investigation was promoted, and after they saw that they were to be investigated. For this investigation is as much a part of the board of trustees as anybody else in the management. They are responsible for the management. Now, can the board, or anybody else, sign a letter in which they make recitals, and make that evidence for themselves? Let us take it in a suit. After a summons is served, can any corporation, or anybody else, get together and sign a letter, and make that evidence of what they have done? I think not. It is not a record of their doings, it is a statement, simply, of what they say has been done, and generally by others; and it is not evidence at all.

THE CHAIRMAN. How would it be, Governor, on a question of confirming what may have been done?

GOV. BUTLER. What?

THE CHAIRMAN. How would it be on the question of confirmation of proceedings.

GOV. BUTLER. But whether they confirm it or not is of no consequence here. What we are trying to find out is what has been done, and not especially who confirmed it. The letter is a simple recital of what they say has been done. Now take a man who is sued and after notice of suit he sits down and writes a letter to somebody else in which he refers to the subject of the suit and puts in his story; can it be put in? Everybody would say that is too bald; that could not be done. Now here these trustees were about to be investigated. For twenty-five years they never had done anything by their records. After they have been investigated — after they know they are to be

investigated, can they sit down and make evidence for themselves by a recital? I respectfully submit it cannot be done, and it is improper that they should do it. They had absolutely done nothing, as it stands now, because even their verbal acts, if they were acts, even their verbal communication each to the other it was wrong to review. Now with the investigation pending they sit down and write a letter and then want to put that letter in evidence, as evidence of what they had or had not done, or what somebody else had or had not done, about matters which they did not know and which the letter will show they did not, and which the letter will show they could not know anything about. For instance, suppose the letter should say: Mr. Thomas J. Marsh, Jr., delivered so many bodies as he tells us; can they make that evidence in that way — the fact that he has delivered so many? If they can, it is an easy, convenient and comfortable way of having not done anything for a quarter of a century, and then, after they are about to be investigated not doing anything but telling a story.

Mr. BROWN. Mr. Chairman, the board of health lunacy and charity called upon these trustees —

Gov. BUTLER. That don't appear.

Mr. BROWN. Well, it would, if you would allow me to read the report — to know what they have done in relation to this matter, and this board called upon their agent for a report, and he makes a report; and this board of trustees then communicate to the board of health lunacy and charity just what they and their agent have been doing for ten years, and a copy of the communication is embodied in the regular record of the meeting of this board of trustees which was held on the 22d of March, 1883. Now His Excellency objected to my asking this witness, commencing with 1873, what he did under that provision of law, because that he said it was not a matter of record and it could not be gone into, could not be proved — the action of those trustees could not be proved in any way except by the record. Now I didn't agree with him in that proposition, but still I saw that he was digging a pit into which he was likely to fall, and I was perfectly willing to take him at his word. And then I produced the record of the trustees at this meeting, which covers a period of ten years. It is not made up for any investigation. It is a record of facts. It is like the report of any public officer to show what moneys he has disbursed, or what acts he has committed under authority vested in him, and nothing else — nothing

ing else. Now the difficulty which His Excellency encounters is this: — and it is very apparent, — that having promised not to cross-examine upon this subject, he sees that the details of this report are to be shut out from him; and that is just the thing he wanted to go into. And he is struggling between two responsibilities; one is the responsibility to keep his word, and the other is the responsibility to go into the inside of this business that he thinks he is charged with. Now I submit that is a record made in the ordinary and usual course of business by these trustees, on a day when they met and when they were charged with the responsibility of answering a communication which had been sent to them by their superior officers. I may be in error, but somehow I have a sort of lingering notion in my mind that the board called for this report in answer to some suggestion from His Excellency; I may be mistaken about it.

Gov. BUTLER. I will have their answer to that; I have sent for it.

Mr. BROWN. But that this record is competent — why His Excellency has argued this into the case when he was upon the floor a few moments ago; and it would be admissible on this ground, if on no other, that this was a record of the confirmation of the various acts which they had been doing during the period covered by the report itself. I cannot conceive of any ground upon which it is not admissible.

Gov. BUTLER. May it please the committee, I am glad it has been now announced that this investigation, which ought to be sufficiently important to be conducted upon views of public duty, is to be conducted upon a little arrangement of making pits and digging pits and setting traps for some unwary traveller to fall into.

Mr. BROWN. You are a very unwary individual.

Gov. BUTLER. If that is so, I want you to tell me how we are to deal with the facts as they appear in authentic shape. Let us see where we are. They offered, in the first place, to show, by word of mouth, what the trustees did. The counsel was simply setting a trap; but as I happened to know exactly what is in that report, and have known it for some months, the trap was not baited so as to catch anybody. He withdraws the question of what the trustees did by word of mouth, and now he says I will prove by record of what they said, in writing, — which is only word of mouth as regards them, about what they had done by word of mouth — I will prove that indirectly which

by withdrawing the question he admitted he could not prove directly. And he says that I have promised not to cross-examine on this subject. I have promised not to cross-examine—for I saw the trap—on the point of whether they had—what they had done outside of the record. Now, all that you have got to do to make evidence, if this is evidence, is to get somebody to write you a letter, and then you write them one, and then the whole thing is proved. That is this proposition when he comes to make it. And they won't even produce the letter that was written to them either; nor is it quite certain whether any was written to them. The proposition is so bald that I cannot argue it well; for the reason simply it is an attempt here to show by what they say they did—because they put a copy of their letter on their books; instead of keeping a letter book as they should, they put it upon their record book, to show by that letter that they themselves wrote after investigation admittedly, commenced by somebody—they say it was commenced by the board of state charities; they then write them a letter and that letter is before your committee, offered as evidence. That is all. Will you allow me to put in Eva Bowen's letters? She has as much right to have her letters considered by you as other people, perhaps, have to have theirs. There is no sanctity about this board of trustees. I think if I should offer them there would be objection and rightly an objection. Will you allow me to put in all the letters I have received about what these people have been doing? Because, if you will, I can dispense with a great deal of evidence and the calling of witnesses. They say they called upon their agent after somebody had called upon them—the first time in a quarter of a century that they called upon their agent. And then, having got what he says to defend himself, they put that in to defend themselves. That is all. Now, if this is not an entire travesty upon all the rules of evidence, I have illy learned, what I have never claimed to have very well learned—my profession—and the honest common principles of justice. And the question is, will the committee sanction this little trap? That is all. If they will, they will vote it so; if they won't, they will vote that they shall show what they have done, and not what they say they have done. I don't object to any action of theirs on that record, or any other way in which that body can act; but I do object, and I think I have a right to object, to what they say they have done, except they say it under oath, or, by what is the only other method

of their speaking — their record of what they have done, and not the record of what they say they have done. It is said it is a contemporaneous record. It don't show anything like it; it don't profess to be that; it simply professes to be a recital of what they have done ten years before it is admitted. They sit down in March, 1883, and cover their acts for ten years, not in confirmation, but in recital. Can that be done?

The WITNESS. May I explain under what circumstances?

Mr. BROWN. I find I have made an error. I was drawn into it by the statement of His Excellency. And if you will allow me to suspend, not to press the question which I have asked for a moment, I will ask the witness a question which I think will make it clearer.

Q. Turn to page 268 and tell me if that is the record of a meeting of the trustees in the month of January, 1883? A. Yes, sir; it is.

Mr. BROWN. Now, do you want to examine that record?

Gov. BUTLER. Yes; I want to see it. [Record exhibited to Gov. Butler.] There is no objection to that, sir.

Mr. BROWN. There is not any?

Gov. BUTLER. I should think not. I should think not, because it don't prove anything at all, except one given fact.

Mr. BROWN. Well, the fact is all I care to prove in this case.

Gov. BUTLER. Well, that is fair.

Mr. BROWN. Do you want me to read this list of bills?

Gov. BUTLER. Oh, no; oh, no; just read what you want.

Mr. BROWN. * [Reading.]

“JANUARY MEETING, 1883.”

“Present at this meeting: Messrs. Nourse and Elliot and Miss Pope.”

“The bills for December were examined and found receipted.”

“The bills for January were examined and approved.”

“The Asst. Supt. presented a report of the material furnished for the promotion of anatomical science, and, on motion, voted, that the same be received and placed on file.”

Gov. BUTLER. All right.

Mr. BROWN. Then follow three other votes.

Gov. BUTLER. That is of no consequence.

Mr. BROWN. That record is certified to.

Gov. BUTLER. I am content. Where is the report?

MR. BROWN. Now, it appears that this was not done after the investigation was ordered, for that was ordered on the 7th day of February.

GOV. BUTLER. What was not done?

MR. BROWN. This report was not made after the investigation was ordered, it was done before the investigation was ordered.

GOV. BUTLER. What date?

MR. BROWN. January, 1883.

GOV. BUTLER. What day in January?

MR. BROWN. It does not give the date in January; it was in the month of January. I understand the regular meeting is held at the end of the month.

GOV. BUTLER. I should suppose I could find out when it was held. [Referring to the book.] "Tewksbury, January 25, 1883."

MR. BROWN. The 25th of January; very well.

GOV. BUTLER. The 25th of January; yes, sir.

MR. BROWN. Jan. 25.

GOV. BUTLER. All right; this is exactly as it should be. And that only proves that Thomas J. Marsh, Jr., made a report, which report we don't see yet.

MR. BROWN. We are not allowed to see it.

GOV. BUTLER. Pardon me; I want the report.

MR. BROWN. We are not allowed to see that, under the objection which His Excellency takes, that nothing but the record is evidence.

GOV. BUTLER. I have said to the committee over and over again that reports would be evidence, made in the usual course of business; but not what somebody says was the report. The difficulty is they don't produce the report; but they produce a letter in which somebody says something there was in that report. That is a plain distinction. I have not objected to that letter of Thomas J. Marsh, Jr. I am going to have it out if he and I live long enough. There won't be any trouble about that. And I shall cross-examine upon it at great length until I get the truth, if such thing can be had. What I am objecting to is not to the report, not to the action of the trustees, but to the letter. Now, if letters are in order, I have a letter from the board of health—from the secretary of the board of health and charities, on the 19th of February, as to these dead

bodies, and in answer to my inquiries what had become of them.

Mr. BROWN. What is the date, Governor?

Gov. BUTLER. This answer was on February 19, and I should think it was in answer to my letter — he don't use the date — oh, yes; in answer to my letter of the 16th. And then to show how little about it, he had the impudence to wind up —

“Having now answered your Excellency's questions may I inquire whether any reports of the bodies of deceased inmates of any of the State institutions have been made to the executive department; and if so, at what time or times, and in what places the sale is alleged to have taken place?”

I asked him to furnish me some information, and the impudent scoundrel turned around and wants me to furnish him with my information. And then at the next meeting in March these people begin to squirm, and furnish information for the first time of anything in their record about dead bodies; and then they want to put in what they said, and want to swear to what somebody said to them. That is the question.

Mr. BROWN. I understood the chief objection of His Excellency to the record which I offered in March, was that it might have been made up afterward.

Gov. BUTLER. Well, it was.

Mr. BROWN. After the investigation was ordered. And it had escaped my attention till Mr. Nourse pointed out that at this meeting which took place in January, the assistant superintendent made a report which was placed on file. Now, I have not the slightest objection to His Excellency's having that report, and if I live he will get it.

Gov. BUTLER. All right.

Mr. BROWN. And he will have all the chance he wants, and I think he will meet his match, too.

The CHAIRMAN. Proceed, please.

Mr. BROWN. Now, having disposed of that objection regarding the meeting in March, by the introduction of the record of the meeting in January, I desire to read the report of the meeting of March 22.

Gov. BUTLER. Well, that is the very question.

Mr. BROWN. That is precisely the question I press.

Gov. BUTLER. Whether that record, being simply a record stating —

Mr. BROWN. It shows that this man, as chairman of the board of trustees, or as one of the trustees for many years, did his duty. It is a record of what he and his trustees did. Now, when we come to somebody else, we will find out whether they did their duty. But let us do one thing at a time. And I ask the committee to admit this record of a meeting of the board of trustees, which was held on the 22d day of March.

Gov. BUTLER. I don't care if my brother has the close upon me; I don't care to say anything more about it.

The CHAIRMAN. I suppose in this matter the books are all before the committee, and the question is whether we should consider them sealed up as to that document; whether it is competent; whether it has any weight.

Gov. BUTLER. Whether it is competent to be made a matter of your record. I don't propose to hinder you from reading anything you like; only I suppose you would not read anything that is not competent.

The CHAIRMAN. I suppose we are liable, in fumbling over these books, to stumble upon anything, almost.

[The question was taken on whether the record should be read in evidence, and it was voted that the record should be read.]

Mr. BROWN. [Reading.]

SPECIAL MEETING.

STATE ALMSHOUSE, TEWKSBURY, March 22, 1883.

Present at this meeting: Messrs. Nourse, Elliot and Spalding, Mrs. Hammond and Miss Pope.

Mr. Nourse submitted a letter which had been prepared for the state board of health, lunacy and charity, which was read, adopted and signed, and on motion it was voted that it be copied on the records, and the original sent to the board of health, lunacy and charity.

To the Board of Health, Lunacy and Charity:

GENTLEMEN:—The undersigned, trustees of the State almshouse at Tewksbury, make the following statement in regard to the delivery of dead bodies from the institution to the medical colleges.

According to the provisions of the statutes of the Commonwealth dead bodies have been delivered the medical colleges at their request.

About 1873 it seemed desirable there should be some better system in regard to the delivery of these bodies, and that some one person should be specially charged in the duty and responsibility of looking after this business. Accordingly, an arrangement was made with Thomas J. Marsh, Jr., assistant superintendent, on whose integrity and honesty the Board of Inspectors had the fullest confidence, by which he should take the charge of the removals of these bodies

so that everything connected with it at Tewksbury should be done decently and properly, so as in no event to outrage public feeling. For this extra care and labor it was understood that he might receive from the colleges a reasonable compensation, which, we understand, he has received, and which, so far as we know, has been satisfactory to the colleges.

A bond, similar to that which the Statutes provide shall be given by a physician receiving a body from any almshouse, was required from the colleges before bodies were taken by them.

There are now on the Board of Trustees, but two of those who made this arrangement. From the report of Thos. J. Marsh, Jr., we find that from Oct. 19th, 1873, to Oct. 1st, 1882, 585 bodies were delivered the medical colleges, of which 549 were of adults and 36 of children. The whole amount paid by the colleges for services connected with furnishing these bodies during that time is \$8,227.00, of which \$5,914.00 was paid the Mannings for transportation of the bodies from Tewksbury to the medical colleges, \$514.00 to T. J. Hall for assistance, and \$1,799.00 to Thomas J. Marsh, Jr., for his assistance and personal oversight at Tewksbury in regard to the removals.

(Signed)

F. H. NOURSE,
GEO. P. ELLIOT,
WM. R. SPALDING,
ELLEN S. S. HAMMOND,
EMILY F. POPE,

Trustees.

Mr. Nourse presented copy of a personal letter to the chairman of the state board of health, lunacy and charity, the original of which he had sent, and on motion it was voted that the copy be placed on file.

A supplementary report by T. J. Marsh, Jr., of material furnished the medical colleges for anatomical purposes was presented, and on motion the same was laid on the table.

CHARLES B MARSH,
Clerk.

Gov. BUTLER. Now, will you let me have those written and supplementary reports, so that we may know what that record is that letter is talking about?

Mr. BROWN. I have not got ready to offer them, Governor.

Gov. BUTLER. It would be convenient if they should go in with the record at the same time. I am glad to see they wanted thirty-six babies; they have all sworn they wouldn't have any.

Q. Mr. Elliot —

Gov. BUTLER. Mr. Nourse.

Q. Mr. Nourse — excuse me — did you receive a letter from His Excellency Gov. Rice in answer to the report to which I have called your attention? A. I did.

Q. Will you produce it? [Letter produced and shown to Gov. Butler.]

Gov. BUTLER. Certainly.

Mr. BROWN. [Reading.]

Boston, Sept. 5, 1876.

F. H. Nourse, Esq., &c., &c., &c.

DEAR SIR, — I have received the reply of the inspectors in the matter of certain charges *vs.* the Tewksbury almshouse and its officers, which is quite satisfactory.

Yours, very truly,

ALEX. H. RICE.

Mr. BROWN. He is your witness, Governor.

Gov. BUTLER. Now, will you let me have that volume of the records which was put in on Friday

Mr. BROWN. The records for 1876?

Gov. BUTLER. 1876. Let me see. That was what time in 1876?

Mr. BROWN. In August or September.

Gov. BUTLER. August 31st. Now, get me the printed letter, — the printed charges which I read to Gov. Rice.

Cross-examination by Gov. Butler.

Q. I see that on the 14th of July you received a letter from Gov. Rice, enclosing certain charges made against the management of the Tewksbury almshouse? A. Yes, sir.

Q. I see that the first action was taken on the 31st of August. Am I right? A. I am not certain about the dates, sir.

Q. Won't you make it certain, sir, by looking here? [The record book.] A. When those charges were given to me, of course they were not presented to the board until their meeting.

Q. Won't you look at the record and tell me if anything was done with those charges until the 31st of August, so far as the board was concerned? A. The first charge was with respect —

Q. Just confine yourself to my question, sir. Just tell me from your record, first, when the charges were received; and second, when anything was done with them? A. The first occasion, I think, was in the August meeting in 1876.

Q. What? A. The first occasion was — [Reading.]

“On motion, voted, that the charges preferred by the board of state charities to the governor, and by him referred to the inspectors, be referred to the chairman, who be requested to confer with Mr. Safford, and prepare a report to be submitted to the governor.”

Q. The first action was taken on what date? I am only upon this, sir? A. I cannot tell you what day I received the charges; the first action was August 31.

Q. Then the first time they appeared upon your record was August 31? A. I think so, sir.

Q. I agree to that, and so I don't think that there will be any occasion to look any farther. Now, just keep that book. [Of records.] And then they were referred to a sub-committee? A. Yes, sir.

Q. On what day did that sub-committee make their report? A. The day of the meeting; and then the letter was copied —

Q. No, sir; I want to know the date of the letter? You know as well as I do what I want to know? A. I don't understand you, sir.

Q. It was referred to a sub-committee on the 31st of August, and on the 31st of August you made your report, did you? A. The 31st day of August.

Q. The 31st day of August; yes, sir; and that appears on the record. Now, sir, on the 31st day of August the trustees referred these charges to a sub-committee? A. I think that was the date of the report.

Q. What day were they referred to the sub-committee? A. That date I gave, I believe.

Q. Won't you look and see. They were received and referred to a sub-committee on the 31st day of August, were they not? A. That seems to be the date of the report by the record.

Q. Well, that is the record, is it not? A. Yes, sir.

Q. I have promised not to cross-examine you on what was done outside of the record, and have fallen into a pit on that account, I suppose. Now, then, you were chairman of that sub-committee? A. I was.

Q. Then on the 31st of August there were referred for your consideration, charges in this way: [Reading.]

"First, That upon a visit of inspection made by the board to the state almshouse in 1873, the hospital for the sick, the asylum for the insane, and the room occupied by the foundling children were found either ill ventilated, offensive from the effluvia of privies and other sources of stench, or infested with vermin; and that this insanitary and improper condition of those parts of the almshouse was then made known to the superintendent, and soon after to His Excellency Governor Washburn."

"*Second*, That in October and November, 1874, certain insane women were improperly imprisoned at the Tewksbury almshouse (as set forth in report signed by F. B. Sanborn, S. C. Wrightington, and Sidney Andrews, now in the hands of your committee); that this imprisonment was attended with circumstances of gross and obvious neglect and hardship, and was unknown to the inspectors for a period at least of eight weeks."

"*Third*, That the mortality among the insane women, in a special hospital for such patients at Tewksbury, was excessive and shocking during the month of May, 1875, and the early part of June; that the responsibility for this mortality rests with Miss Helen M. Marsh, then and now assistant physician at the state almshouse, of which her father is superintendent and her brother assistant superintendent; that this young woman had no such acquaintance with disease and insanity, or the proper treatment thereof, as would qualify her for such a responsible position; that there was no epidemic or other unusual cause of death at the time; and that as soon as the hospital in question was put in the direct charge of the physician to the sane inmates, Dr. J. D. Nichols, the mortality instantly diminished; so that there were fewer deaths in four months following the 15th of June, 1875, than in the thirty-five or thirty-six days between May 5 and June 8, 1875."

"*Fourth*, That a former inmate of the almshouse, Phebe A. Brink by name, charged one Reed, lately a night watchman at Tewksbury with committing fornication, which he more than once solicited, and which took place at the State almshouse one evening in September last; that this charge was brought to the notice of the board by Mrs. Durant, a State official, on the 29th of December last, and was at once investigated by the general agent, Mr. Wrightington, who believed the fact to be as charged, and reported the matter to the superintendent, Mr. Marsh, and to the watchman, Reed; that the latter denied it, but at the first opportunity gave up his place and left the almshouse as if guilty."

"*Fifth* That the discipline of the almshouse has been, and continues so lax, that such offences as are charged against Reed, may be, and have been committed; resulting, in some instances in the birth of bastard children who were begotten in the almshouse, probably by some of the male inmates; that other attempts of the same kind have been made, and that almost any scandal might arise there in consequence of this loose and improper discipline."

Now, then, these were the charges submitted, and it was found by a committee composed of Mr. Sanborn, Mr. Wrightington and Mr. Andrews — "Charge first; facts proven. Charge second; facts proven: imprisonment, illegal and improper. Charge third; facts proven: deductions not proven — facts of

death." And also it was "reasonable to say that Miss, the assistant physician, Miss Marsh, is not so well fitted, by experience or education, as to be able to fill the position in a superior manner, especially as regards the care of the insane sick." "Charge fourth, allegations not proven. "That was all right. "Charge fifth; facts proven;" there being only two bastards born. Now, then, that was the letter which was referred to you, containing the charges of Governor Rice, on the 31st of August, as a sub-committee? A. I presume so; I have no way of recognizing them.

Q. I will send for the original if you want to see it. A. I don't doubt it.

Q. Very well; now upon those — then there was another charge in that letter which don't appear here. There was also a charge of libertinism on the part of Tom Marsh, wasn't there? A. Yes, sir.

Q. And there was also a charge that the old woman stole the inmates' clothing? A. I don't know what you mean, Governor, by 'the old woman.'

Q. I mean old Mrs. Marsh. A. Well, they charged something against Mrs. Marsh.

A. I distinguish her from the younger one by the term "old." Now, then, on the same 31st day of August your committee report as follows:

"The charges in the first division have been thoroughly investigated and adjudicated by a committee of the legislature" —

And that is "charges affecting the management of the almshouse by the superintendent and his officers."

—"to which your Excellency is respectfully referred."

"The undersigned have made all reasonable effort to accomplish any reform suggested."

"The medical department has been carefully reorganized with a competent corps of physicians and nurses under the act of the legislature."

"Two of the six assistants who are members of the superintendent's family have already resigned."

"The charges made under the second head have received the attention from the legislature to which they seem entitled."

The second head being "Charges touching private character." Now, had the charges touching private character been at all before the legislature, sir? That is, the charges against Mrs.

Marsh, and the charges of libertinism on the part of Tom J.

A. Well, sir, I am not able to say.

Q. Undoubtedly; and it states that it was not. A. I should not care to testify.

Q. They were not made before the legislature, and you have the report of the legislature before you. A. I would say that the examination there took a very wide range, and perhaps a wider range than the charges that were made.

Q. Well, is there anything in the evidence or in the report upon those charges? You wrote that letter? A. Yes, sir.

Q. Now, having the report before you, why did you say so, if it was not true? A. I think, sir, that questions touching those matters which you speak of were brought out in evidence. I think that touching the character of the superintendent—of Thomas J. Marsh—I think those were brought out in the investigation, but not in direct charge. That is why I answer in that way.

Q. Then, did that justify you in saying that those charges under the second head “have received the attention from the legislature to which they were entitled. They have long and favorably known the officer accused,” etc. Now, then, did they receive any attention from your committee, or any attention from the legislature? A. I think they did, sir.

Q. You may have to come here again at the next meeting; won't you bring the evidence upon which you made, as trustees, this solemn declaration; when they didn't receive it at all, and were not there at all in any way. Now, if you can find it, bring it. A. If you wish me to explain, I will say that those charges were considered a long time before any direct charges were made.

Q. Not by the legislature? A. Yes, sir; by a committee of the legislature, before any direct charges were made. Finally, charges were made. It was insisted that charges should be made, and that somebody should father them. They came in a general way.

Q. Now, if you can find anything. Mr. Nourse, in writing on earth to justify the statement that you have made here, that those charges, three of them—and I will call your attention to them—the libertinism of Tom Marsh, the stealing by his mother, and the incompetency of his sister as physician, by which they died—if you can find anything anywhere in print on earth, you bring it here; and you had better bring it to clear

yourself. A. I can answer, Governor, those charges with relation to Helen Marsh, if you wish.

Q. I don't want you to answer those charges. That is not the question. If you can find anywhere where those were examined by the legislature as you say here they were, will you have the kindness to fetch it.

Mr. BROWN. No sir; he said they received the attention they deserved.

Gov. BUTLER. Pardon me. That is not the question. Now, we will come and see if we can find they received any. A. I stated to your Excellency that the investigation received — was conducted very widely. The investigation had proceeded several days, and no written charges had been made, when those written charges were made.

Q. Are you pretty sure about that, now? A. Yes, sir.

Q. That the investigation proceeded several days before any charges were made? A. Before any written, direct charges were made. I recollect that the chairman insisted that before they would go any further somebody should father them. Nobody fathered them at first; finally, Mr. Sanborn fathered them.

Q. Never mind; I am not asking you about that. That is an evasion of my question. A. I do not intend to evade it.

Q. I am only talking about the fact. Now, if you will find me anywhere, whether before or after those written charges were made, where they received the attention of the legislature, you will oblige me; if not, I shall make some use of the want of it; such use of the want of it as I think it deserves. Now, let us go on. Then you go on and say:

"They have long and favorably known the officer accused. They have found no occasion to question his integrity or purity of character and conduct during an official career of more than eighteen years."

Now, sir, that officer being charged, whom did you inquire of, as a sub-committee, as to whether he had been guilty of libertinism or not. A. I made no inquiry, sir, excepting of himself. There were no names given for us to inquire of.

Q. You inquired of nobody but himself? A. There were no names given.

Q. You made no inquiries of anybody but himself, and he said he didn't do it? A. There were no names given.

Q. And then you reported that he didn't do it? A. I take the report as it reads.

Q. Now, then, in regard to the next charge. You then go on and say that you have made no investigation because you are of the opinion it would not be proper to put Mr. Marsh upon his trial on so grave a charge, which, by merely being made, would so seriously affect his good name, standing upon mere rumor. Pardon me; you wrote that. Didn't you think that the charge of the board of state charities was sufficiently formal to require investigation at your hands — which the board of state charities had made to the governor — the whole body of them — and had been referred three times to three different governors; and the last governor had told you to investigate it. Now, didn't you think that was sufficiently grave? The charge was made; so that Tom Marsh's character was affected as much as it could be by the charge. Now, was not that sufficiently formal for you to investigate? A. We had no authority to call for any person to appear before us.

Q. Pardon me; that is not the reason why you didn't do it. You didn't put in that reason — this charge that had been made calling for an investigation of the character of Mr. Tom Marsh, we had no authority to send for persons and papers, and therefore we didn't do it — If you had said that, that is what you want to say now, why didn't you do it then? A. I am willing to stand by the record as it is.

Q. Just stand by it, then, and don't alter it? A. I do, sir.

Q. Then the reason was that you could not send for persons and papers? A. I suppose you would understand that, sir.

Q. You could have asked the inmates of the almshouse, the mothers of children — the mothers of the bastard children. A. Was I to go around and ask all those women?

Q. No; nobody else, only the mothers of bastard children? A. The bastard children were very small in number.

Q. I know; and going around and asking them would be all the easier. Now, let us go on a little.

“ We have, however, made no formal investigation of this charge, as in our opinion it would not be proper to put Mr. Marsh upon his trial upon a charge so grave, and which by merely being made would so seriously affect his good name and standing, upon mere rumor. If charges like these are to be investigated formally by us,

they should be preferred in writing, with the assurance that they could be substantiated by some direct testimony."

You had had the charges preferred in writing, and the assurance of the board of health — the board of state charities — made to the governor that they believed enough in them to make them, and they had been sent by the governor for you to investigate. And that is your answer. Now let us try again.

"We don't consider it our duty to go forth prospecting among loose women to find evidence of such gossip. It is enough for us now to say that we have informed Thomas J. Marsh, Jr., of the charge, and he assures us that it is utterly devoid of truth."

That is the plea of "not guilty," isn't it, made by every thief in every court? A. I don't know what inference you may draw. I don't know as any names were given us to refer to.

Q. Now, "prospecting among loose women" — the loose women were in your establishment, under his charge, weren't they, that are referred to? A. Well, there were a good many mothers of bastard children there, and I suppose you would call those loose women.

Q. Undoubtedly: and some were born there; so that they must have been begotten? A. Out of the thousands of people who have been there for the last twenty years, I have known but three.

Q. Then you could have asked those three women who was the father of their children, couldn't you? It would have been short work? A short horse soon curried? A. Those people answer if they want to, and if they don't they won't.

Q. When they refused to answer then you are excused. You asked Marsh if he was guilty. He was as loose as the rest. You asked the loose side on one side, and didn't ask the loose side on the other. A. I read the charges to him.

Q. [Reading.] "We have no knowledge of any deficiency of fifteen hundred dollars, or of any other amount, in the account of the institution." What examination of the books did you make about that? A. Well, sir, since I have been connected with the institution I have examined the books every year.

Q. Very like. Now, you are notified that there was a deficiency of some fifteen hundred dollars. Did you make any examination about that? A. Yes, sir.

Q. When? A. I made examination at that time in reference to our previous examinations.

Q. Leave out previous examinations. I want to know what you did then? A. I cannot say we did anything then excepting as I have stated, that our general examination bore us out in making that statement; because it had been made year by year.

Q. I agree. But the statement is — look at the statement; the statement is that you have no knowledge about it. I suppose if you were a director of a bank, and you had examined the accounts and thought them all right, and then there was a charge made of a deficiency, you would not content yourself with simply saying, “ Well, I didn’t know there was anything.” and make no further examination? A. I think, if you will allow me, this is an entirely different thing.

Q. I want you to answer my question. Would you content yourself with that as a director of a bank? A. No, sir.

Q. Very well; now, sir, as one having the Commonwealth’s money in charge, when a charge comes from the board of state charities through the governor to you, that there is a deficiency of fifteen hundred dollars, why didn’t you examine? A. Will you allow me to explain?

Q. Yes, sir. A. No money is drawn from the treasury excepting on bills approved and sworn to by the trustees. When that money comes we know what disposition is made of it. We examine all the bills and find them to be receipted, and find that the amount drawn from the treasury corresponds with the amount of these bills paid. How under heaven could there be a deficiency of fifteen hundred dollars?

Q. Well, if they had not been examined — A. Well, I assure you these have been, very closely.

Q. That is a thing that will always check itself. But suppose there had been fifteen hundred dollars’ worth sold from the farm and not accounted for? A. I think that could not have been done without our knowledge.

Q. Why not? A. Why, of course we are not there all the time to see, but if any misdemeanor of that kind should have occurred I think we should very soon find it out.

Q. Very likely; did you examine for it? A. I cannot say that I did.

Q. Now, then, here was a charge that fifteen hundred dollars was gone, and you contented yourself with reporting that you

have no knowledge about it, and you never asked anybody about it. A. I think we did inquire about it.

Q. Well, who did you inquire of? A. I think we inquired of Capt. Marsh.

Q. And he told you he didn't know? A. He could not tell us.

Q. Did he stop there? A. I think so, sir.

Q. You asked Tom if he was a libertine and he said no. You asked the Captain if he had stolen the money and he said no; and that was the end of the investigation? A. There is no charge there that the property had been sold.

Q. Pardon me; fifteen hundred dollars? The charge is that there is a discrepancy in the accounts to the amount of fifteen hundred dollars. A. If you will allow me I will explain still further. It is utterly impossible for the trustees to know what property is sold.

Q. Well, I know it; I understand that? A. We must trust the honesty and integrity of those doing the business, and we have no check on that.

Gov. BUTLER. Very well.

The WITNESS. Very well. It would be utterly impossible to have it.

Q. Let us see if it was. It was impossible in the way you conducted business. Let us see if it is impossible. You have every year a report of property on hand, a report of what has been raised; and you ought to have a report of how that has been expended. And then, with those reports, which, on the Lowell Railroad you would have had to have made, would there have been any difficulty in finding out if people had stolen fifteen hundred dollars? A. There would be difficulty supposing somebody of the help on the road--some of the road men might sell property without its being known for the time being.

Q. I am not talking about the road men. If they had sold the property you would have found you had lost it? A. Yes, sir.

Q. Who got it you might not find? A. Yes, sir.

Q. But you didn't even ask? You were told it was gone, and you never asked anybody except Capt. Marsh who said he didn't know. Well, we will go to the next. Now we will come to another thing. Oh, before I go to that; did you ever examine the inmates' cash-book? A. Well, no particular examina-

tion. I have asked several times to see the record that was made and have been shown the memorandum.

Q. Then all the examination you ever made was that you have asked if there was a memorandum made, and that was shown to you and you satisfied yourself with that? A. The memorandum was shown to me,

Q. Did you know that there never had been — did you inquire far enough to know that there never had been any receipt taken when money was paid or supposed to have been paid by the inmates? A. Never was a receipt given to them either way ; no receipt given, as I understand.

Q. Then it was left to Charles Marsh, or whoever was in his place, to take whatever money he could get from the inmates and returning as little as he chose, and there was no earthly way of knowing how the accounts stood? A. I could not answer that.

Q. Then the condition of things was that Mr. Charles Marsh, or whoever was in his place, could take any amount of money he could get from the inmates and give no receipt for it, and pay out just as little or as much as he chose and take no receipt for it, and there was no earthly way in which his doings could be known? A. No, sir ; no way.

Q. How long have you been there? A. Twenty years.

Q. And you have let that system of robbing the inmates go on for twenty years? A. I didn't say robbing the inmates, sir.

Q. Well, that system that existed? A. I don't want you to put that in my mouth, because I don't admit it : I say it was honest and straightforward.

Q. Although you knew they were robbed day by day? A. I could not tell, sir.

Q. And you allowed that to go on for twenty years, when there was no rule for you or anybody else to tell whether they were being robbed, didn't you? A. It would be exceedingly difficult. I could conceive of how it could be done ; it would be a great deal of labor.

Q. What labor? A. For instance, if he gives receipts for all money received, when he came to pay those receipts should come back, in order to keep his accounts straight.

Q. Pardon me ; undoubtedly. A. The inmates could not give receipts for the money they received.

Q. Why not? A. A great many of them could not write.

They would have to call for somebody to identify their signatures. You could keep an account with each individual pauper, a debit and credit account; but I submit whether it would be proper for a clerk to be hired for that purpose. The sums are small; all the way from twenty-five cents upwards.

Q. Stop a moment, and let us see. There is an account now of what money he says he received, and what money he says he paid out — that is kept? A. Yes, sir.

Q. Now, suppose that when he got money from a pauper he gave a receipt for it. It is to be paid out to the pauper when he goes out. Now, he is not going a great ways with the receipt; it is going to be there until he goes away. Any difficulty in his taking a receipt? A. You see some of them could not write — a good many of them.

Q. Aren't there thousands of mills which employ people who do not write, and don't they have to take receipts on their pay rolls? Why don't you do your business as you would do it everywhere else? Dr. Nichols personally signed this charge, didn't he, of the discrepancy in the accounts? A. No, sir; not that I know of. I think not, sir.

Q. [Reading.]

"The financial statements have always been carefully examined by us, and we are fully satisfied that all the money received from the treasury of the Commonwealth has been duly disbursed, and we have no reason to doubt that all the money received from inmates, or for the sale of anything from the institution, has been duly accounted for. It is further understood, that Dr. Nichols, who signed the charges alluded to, has no personal knowledge of the alleged facts, and that they rest merely on the gossip of the malicious, lewd and wanton."

Very well; then it was charged first by Dr. Nichols, the stealing? A. No, sir. That language may be ambiguous, but I think there was no charge from Dr. Nichols about the money being stolen. The language might convey that, but it was not the fact.

Q. Let us see: "It is further understood that Dr. Nichols" — after citing these charges of the deficit in the account, and the statement in regard to the inmates' account — "it is further understood that Dr. Nichols, who signed the charges alluded to" — A. Alluded to in these charges; not there, but in the charges.

Q. Didn't he sign these very charges? A. I think not, sir.

Q. Will you look and see? A. It is my impression that he did not.

Q. But you say it in here? A. He signed some charges.

Q. Well, were not these about Mrs. Marsh stealing and the discrepancy of fifteen hundred dollars among them? A. My impression is that Dr. Nichols was discharged.

Q. Now, don't go to slandering Dr. Nichols when I am asking you another question? A. I wanted to state the truth, sir.

Q. I understand. You want to state the truth where you think it would do somebody some harm, and Dr. Nichols being dead it is easy to slander him? A. No, sir.

Q. Will you answer my question: whether Dr. Nichols didn't sign these charges as made here; first, about the fifteen hundred dollars; second, about the inmates' money not being accounted for; third, about their clothing being stolen? A. I think, sir, I would not undertake to swear against the record, whatever you have got. My impression is, that he didn't make the charge about the money being short.

Q. Did he make the charge about the clothing being stolen? A. I don't like to swear about it, if you have the record of it, because of course, whatever the charges are, they show for themselves.

Q. Now, then, did you make any investigation of those charges whatever? A. Which?

Q. Those I have last read. First, about the deficiency in the accounts; you told me about the fifteen hundred dollars. Second, about the inmates' money; you say you never did that. Now about the clothing being stolen; did you investigate that? A. I made some inquiry.

Q. Who did you inquire of? A. I inquired of Capt. Marsh, and he told me —

Q. Never mind what he told you. Who else? A. Thomas J.

Q. Who else? A. Charles Marsh.

Q. Who else? A. I don't think of anybody else.

Q. Very well. When Tom Marsh was accused of libertinism you inquired of him and he said he didn't do it. When the money was short you inquired of the old man and he said he didn't know anything about it. When the old woman was accused of stealing the inmates' clothing why didn't you inquire of

her and let her tell what she knew? A. I will tell you. We had inquired of Capt. Marsh.

Q. I say leave out Capt. Marsh. A. He told us what became of it.

Q. You inquired of Tom when he was accused of libertinism; you inquired of the Captain when the accounts were supposed to be short; now, when the old lady was accused of stealing the inmates' clothing, why didn't you inquire of her? Stick to that. A. I didn't think it was necessary; the superintendent was the head of the concern.

Q. The superintendent was at the head? A. Yes, sir.

Q. Well, he was not charged with stealing the clothing? A. No, sir.

Q. So, if he was at the head of the establishment, why didn't you inquire of him about the libertinism of Tom? Why didn't you give the old lady a chance to deny? A. I didn't deem it necessary.

Q. Why not, when you inquired of her husband? A. I said that he was the head of the concern, and he was supposed to know.

Q. But he was not accused of the stealing; it might have been done without his knowledge. She was an official, at that time, in the institution; a matron, under pay, wasn't she? A. Yes, sir.

Q. Then you made no inquiries upon that. Now, then, I will let you tell what you want to tell, because I am going to produce some of that here. You inquired of the old man and he said that he did take the clothing, but he made it up into carpets and rugs? A. I didn't say that, sir.

Q. What did you say? A. The clothing of inmates who died, the clothing that was left there, that was taken and made over for other inmates, unless called for by the friends.

Q. This clothing was taken and made over. Was that all he said? A. I think he said there was some made into mats.

Q. Made into mats for the institution, of course? A. Yes, sir; I know nothing about anything else except the institution.

Q. Then some was made into mats, and you have stopped there. Well, that clothing — we have had a great many inquiries whether the persons that went away made any charges about having their clothing stolen. Did you ever hear any complain of having lost their clothing within twenty years? A. I think once or twice. I recollect when an old man went away and

said he had some clothes that were sent for afterwards to get them.

Q. Any other case? A. I have no recollection of any but what they acknowledged the receipt of; there may have been during all that time; I would not swear there had not.

Q. Was that a man or a woman? A. This was a man.

Q. Now, don't you know that a member of this committee once came there after the clothing of an old man and couldn't find it? A. No, sir,

Q. Sure about that? A. No, sir.

Q. That would have been a matter you would have been likely to recollect? A. I should think so, possibly.

Q. But we are now upon the question of inquiry; and you inquired of Capt. Marsh, and he told you, and that was the extent of that inquiry. Now, let us go on a little further. [Reading.] "Special attention should be made to a letter signed by one Bernard O'Kane, accompanying these papers. This person was detailed to labor in the institution at the urgent request of Governor Andrew" — he was one of Governor Andrew's appointments — "and was soon discharged for drunkenness and undue familiarity with female inmates, offences which he did not pretend to deny. Since that date he has been a chronic slanderer of the institution and its officers."

Did you inquire, as a sub-committee, about Mr. Bernard O'Kane, of him? A. No, sir.

Q. You did not? A. No, sir; we had his letter.

Q. I understand you had his letter, but did you inquire of him as to the truth of the charges? A. No, sir.

Q. Did you ask him if he was — did he say in the letter that he had been unduly familiar with the inmates? A. I think not, sir.

Q. Did he say in his letter that he was guilty of drunkenness? A. I presume not. The letter is there.

Q. Then he did not. Very well. Now, then, you reported against him without any inquiry from him. Why didn't you ask him, as you did Tom Marsh, whether he got drunk, and let him deny it? A. We asked the officers of the institution.

Q. You did? A. Yes, sir.

Q. Why not give Mr. O'Kane the same chance you did Tom Marsh and the Captain? Why did you put O'Kane into the category with the old woman whom you didn't inquire of? A.

I believe I said that we could not sit as a court and could not summon these people before us.

Q. Yes, but pardon me : he would come to make good his charge ; was he there? A. I don't know whether he was there or not.

Q. But he could have been sent for. Did you send for him?

A. No, sir.

Q. Therefore he didn't refuse to come? A. No, sir.

Q. Very well. [Reading.] "The undersigned, desire to say in regard to our own course"—you then wanted to defend yourselves, which is natural. Now, then, here was a charge against Miss Helen Marsh that rather struck at her private character, didn't it, accusing her of incompetence as a physician, and accusing her of causing the death of other people? A. We were conversant with her course there and we knew without investigation and we were able to report of our own knowledge.

Q. You were able to report of your own knowledge. Now, sir, those charges were all submitted to you on one day, the 31st of August. And you made a report upon them that would have taken, in this large book, one-half, one, two and more pages, on the same day. You made a report on them, and wrote this long letter that would have taken pretty near half a day to write? A. I think, sir, that that report—the receipt of the charges is not recorded on the book.

Q. Pardon me : you must not state anything outside of the books : because I am in a trap, you know, and I can't get out of that trap ; I have got to stick to the books. I have got to stick to the books ; and that is what the books show, that it was done on the same day. I want the public and the committee to understand exactly what sort of an investigation we have had heretofore. And not only that, but on the 4th of September you sent the letter away ; so that you could not have had but four days, and one a Sunday? A. The clerk made the records ; I did not.

Q. Do you mean to charge any suspicion against the correctness of his records? A. No, sir ; I leave him to answer for himself.

Q. Why is that observation made? A. The object is that I don't care to swear upon that.

Q. The record is that you had these charges referred to you on one day, on the 31st of August, and on the same day you report as a sub-committee. On the same day you reported a

letter — you made a report in a letter dated that day, and it was sent on the 4th day of September? A. I think I could explain that.

Gov. BUTLER. Well, Mr. Brown will ask you, if he wants to, because I am not to let my cross-examination go outside of the record; then I can follow him if he does.

Mr. BROWN. I am always ready to get you out of difficulty.

Q. Now, Mr. Nourse — and then when you made a report to Governor Rice — after it appeared that on the 31st of August you had had these charges referred to you, and upon the 31st of August you had made a report upon them, he said that the investigation was highly satisfactory, and we have had his letter. Let me have that letter: we may be wrong about it. He had sent all these things for you to investigate, you had made this report to him, and on the 5th of September he wrote to you: “I have received the reply of the inspectors in the matter of certain charges against the Tewksbury almshouse and its officers, which is quite satisfactory. Yours, very truly, Alexander H. Rice.” Governor Rice, then, was entirely satisfied that you should spend but one day on all these charges, was he? A. I think I could explain, sir. I don’t think I have exchanged a word with him since.

Q. Now, I want to come to this matter of dead bodies. Do you know of any official action by your board, entered upon your records — because that is all I am going to ask about — made about dead bodies until the 22d of March, 1883 — this year?

A. I know of nothing upon the records, sir. I do know various other matters connected with it, but they are not a matter of record.

Q. Now, then, on this 22d of March, 1883, you wrote this letter? A. Yes, sir.

Q. It speaks of Tom Marsh being your agent for the disposition of bodies. Did he report to you — when was the first time that he ever reported to you? A. That was the first time that there was ever any written report upon the records.

Q. Ever any written report? A. That written report was the first.

Q. That written report was the first? A. He made a report in January.

Q. Did you read that report? A. I did.

Q. Did he produce any book or account, or vouchers for the

account? A. At the time of the report, — if you will allow me to explain I can cover the ground.

Q. Pardon me; I don't want any ground covered. Will you answer my question? There has been too much covering ground; I am uncovering. Will you answer my question? Did he produce any records, any books, any account of what he had done with all the bodies for ten years? A. Not in that report; but he did submit such books to the inspectors at a previous time.

Q. At a previous time? A. Yes, sir.

Q. He didn't at that time? When did he first submit those books? A. I think — it was in the month of December, I think.

Q. The month of December previous? A. Yes, sir.

Q. He submitted the books. Did he volunteer them, or did you ask him? A. I asked for them in September.

Q. Had you ever asked for them before? A. No; I talked with him frequently, but never asked for a report.

A. For books, I am talking about? A. No, sir.

Q. Answer my question, and don't answer anything else. Now, when was the first time you ever asked him for the books?

A. For the report? I —

Q. For the books — I have changed my question? A. Well, sir, I asked for a report —

Q. When did you for the first time ask for the books? A. And in answer to the request for the report he —

Q. Answer my question. A. I did, sir.

Q. When did you first ask him for the books? Speak by the almanac. A. I didn't ask at all for the books.

Q. Never asked? Have you ever asked for the books, down to this day? A. The books were presented with his report.

Q. Answer my question. Have you ever asked for those books down to to-day? A. No, sir; no necessity of asking when he presented them.

Q. What? A. No necessity of asking when he presented them.

Q. Now, what books — when did he first present the books? A. Those books that —

Q. When did he present the books? A. I was trying to recollect, sir. My impression is it was December when he first presented them.

Q. What books did he present? A. Memorandum books,

on which were recorded the names of persons sent to various institutions — colleges.

Q. In December? A. I think that was in December.

Q. What kind of a memorandum book? A. It would be a small memorandum book — quite small.

Q. Like a pass-book? A. Yes, sir.

Q. Then he had accounts of these bodies upon pass-books? How many of them had he? A. I should think there were four or five of them.

Q. One for each institution? A. No, sir; they were on the same page, what had been sent to different institutions.

Q. And these pass-books were kept by him, or others? A. Well, sir, he presented them; I cannot tell who kept them; I suppose he did.

Q. Did you examine them? A. Yes, sir.

Q. Don't you know who kept them? A. What do you mean; the record kept on them?

Q. I mean keeping the books. Don't you know what I mean by keeping a book? A. Well, possession is one thing, and making a record another. He made the record, as far as I saw, by the handwriting.

Q. The record was in his handwriting? A. Yes, sir.

Q. Very well. And have you ever seen those books since December? A. I think not, sir.

Q. Did he take them away with him? A. Well, we left them. We didn't take them. I left them with the same party who produced them.

Q. Who produced them? A. Thomas J. Marsh, Jr.

Q. He produced them and he took them away? Well, those were books produced by him as officer and agent of the board, was he? A. He presented them in response to a call for a report.

Q. He presented the books? A. Yes, sir.

Q. Well, those were books of an officer and agent of the board to do a very important work, was it not? A. Yes, sir. I required a report.

Gov. BUTLER. [To the witness.] I understand, you required a report. [To the committee.] Now, may it please the committee, I have been ever since—lo, these four months, calling for books from this institution, and asking that all the books should be produced of every name, nature and description; and we have had sworn replies here that they all

were produced. And then, after I had cross-examined a while, there would be some more, and they would be brought. Then I would call again, and they would be brought. Now I respectfully submit that I have now got some new books — yes, I guess I have got it right — I have got some books of the most important thing entrusted to this institution ; to which money is paltry — of what has been done with the Commonwealth's dead. I want those books to cross-examine this witness upon. The committee have been trifled with long enough.

Mr. MELLE. If there are still more books at this institution and they have not been produced, relative to this case, it seems to me we ought to have them without a motion. But as it has been the practice to make a motion, as it has been a matter of dragging them from the defence from the beginning of the investigation up to the present time, I move that this gentleman, or whoever has got possession of the books, deliver them to this committee as quick as possible.

Gov. BUTLER. Having brought the matter to the attention of the committee I leave it. Of course the committee are to vindicate their own honor. It is a question in which theirs is involved, not mine.

The CHAIRMAN. The committee, as I understand it, were informed that there were no books of record of the institution showing the names of parties sent ; but there is an understanding that there was a memorandum book of some kind. If that is the book you want, I suppose it is —

Gov. BUTLER. I want all the books.

The CHAIRMAN. In the possession of Thomas J. Marsh, Jr.

Gov. BUTLER. An officer of the institution ; assistant superintendent of the live and chief superintendent of the dead.

The CHAIRMAN. I question the policy — I don't know your object — of spreading upon the record the names of the persons whose bodies have been delivered to public institutions. The number you are to have and you have had.

Gov. BUTLER. Why, if I can get the books, sir, I can show them false. I am not going to spread upon the record the names, unless somebody else wants to do it. I have got other lists here, and I want to see who was sent to Harvard and who to other colleges. And then when they say, that only so many and such men were sent I want to show that that is not true. And I don't think that we ought to be trifled with ; I don't want to be ; the committee may have a fancy for it themselves.

The CHAIRMAN. I don't think anybody wishes to be trifled with, Governor.

Gov. BUTLER. The committee may fancy that these people may trifle with them as much as they please; I don't. I have asked here, ever since last March—the 30th I think; some where along there—three, four or five times over, for every memorandum book. A small number have been produced here, and the committee have been assured by Mr. Brown, over and over again, that they had them. And I have been employing experts to examine, with such light as I had, those books. Early in this investigation it came out that the great point of my examination was to find out what had happened to the dead; because the living can take care of themselves. And I asked for the dead-books over and over again, as your records will show. I asked: is there any record? And I got one from Mr. Chase—

Mr. BROWN. You mean Mr. Hall—

Gov. BUTLER. Mr. Hall; and he was instantly attacked. It now turns out that he was a duly accredited agent; and that book will have some bearing by and by. Now, I want all books of all this that they have here now. It has been sworn over and over again that there were no books,—I have asked everybody that I thought knew anything about it,—that there were no books kept; no books kept by anybody. Now, it is in evidence that Mr. Thomas J. Marsh, Jr., was duly appointed in 1873 by these trustees to do the most important work a man ever had to do, in my judgment,—to deal with the defenceless dead, and send their bodies to the dissecting-knife. I was told there was no record; and now it turns out there is. And I want that record produced, or I want the committee to vote that we shall not have that record; if they do, I am content. I can get along pretty much anyway. But I am determined not be played with, myself, upon this question of books. They were in existence last December. It took from September to December to make them up. And now they are in existence, and I want the books. And the man who has got them is an officer of this institution—or was—in a double capacity. It is within the power of the committee to send for persons and papers. The committee has made an order, over and over again, upon the officers of this institution; and here I am, in the heat of summer, asking for books that ought to have been produced amid the snows of winter. Now, I am not here to say to the com-

mittee what their duty may be upon this subject. They can do what they please.

Mr. MELLEN. Do I understand the chairman to object?

The CHAIRMAN. No; not at all. The committee hear the motion of Mr. Mellen.

Mr. BROWN. Mr. Chairman; I have heard a great many times, have seen a great many times, this parade about the demand for books. But I notice that always, whenever a demand has been made for books, it has been made in such language that nobody could tell what they wanted. And they had to call four or five times before they made their wishes known — I will admit that. Now, Mr. Hall was examined here as a witness; and Mr. Hall, it seems, had kept a private diary of his own, in which he had recorded certain names, of certain persons, who he said he had handled after they were dead, and whose bodies had been sent to some college for dissection. I asked His Excellency here, in the presence of the committee, if he intended that that private record of Mr. Hall's should be put in evidence, and he dodged the question.

Gov. BUTLER. I did what?

Mr. BROWN. I said: If you are going to put it in evidence. I want you put it in evidence now, while Mr. Hall is upon the witness-stand. To which the reply was: I will keep this book and consult with the friends of those dead people.

Gov BUTLER. Yes, sir; and I have.

Mr. BROWN. Now, every book of this institution that I have known anything about, just so fast as I have had any knowledge about it, I have produced it here; and I don't recollect a single instance in which the rule has been violated, except, perhaps, on a call for this register of visitors; if that is to be called a book belonging to the institution; and that is here this morning. Thomas J. Marsh, Jr., His Excellency assumes, kept a record of all the names of these people. Now, when Thomas J. Marsh, Jr., is called upon for this record, I propose to have something to say as to whether he shall produce it. Thomas J. Marsh, Jr., stands here as a man slandered by His Excellency every moment of this hearing, from the opening of this hearing until the present time.

Mr. MELLEN. I beg to interrupt the gentleman right here. I insist that the gentleman is not speaking to the question. The question is not about the character of Thomas J. Marsh Jr., and we are not here to listen to eulogies of Thomas J. Marsh

Jr. The question now, is upon securing a book which belongs to this committee. It is a book kept by an officer of this institution. We should not listen to speeches about what is irrelevant to the question, and I object to the counsel going on, whether it is to abuse His Excellency, or whether it is in defence of one of his clients. I insist, Mr. Chairman, that if the gentleman wishes to talk to the question which is pending, well and good; let him confine himself to it and not wander from it. And I am of the opinion, that as counsel for these gentlemen, he is subject to censure. I recollect three discussions we have had about books and the difficulties we have had in getting them. As I understand it he would intimate that there has been no trouble before. The committee must bear me out when I say that there has been trouble upon several occasions in the matter of securing the books. Now, it is our business, whether the governor wishes the book or not, to have every book connected with the institution, that has been kept by an officer of the institution; and we should have nobody stand in our way by long speeches or long eulogies of his clients; and I object to the gentleman's proceeding one word further unless he talks to the question pending, which is, shall we have these books or not? [Applause.]

The CHAIRMAN. Mr. doorkeeper — doorkeeper, keep watch for any more applause and put out any party, unless the committee order otherwise, that you see disturbing this hearing.

Mr. Mellen, member of the committee, objects to Mr. Brown's going on.

Mr. Mellen. Unless he talks directly to the question; that, of course, I won't object to. But, as you will observe, he was wandering from it entirely.

The CHAIRMAN. Proceed, Mr. Brown.

Mr. Brown. I said slandered, Mr. Chairman and gentlemen, because I believe that not a single word of imputation as to his private character is uttered with any foundation whatever.

Mr. Mellen. I still insist that the gentleman is not talking to the question. Now, if he will tell us why we should not have that book, well, and good.

Gov. Butler. The board of state charities believed differently; that is all I have to say.

Mr. Mellen. This discussion between counsel I don't think is wise.

Mr. Brown. The board of state charities lived to see that

answered and they never dared to make the declaration again ; and they have not, lo these seven years, ever repeated it. Thomas J. Marsh, Jr., stands here to-day as a man maimed for life in attempting to perform his duty in this institution.

Mr. MELLE. I insist that this gentleman shall not go on unless the committee will go on record that they want to be entertained with a stump speech ; if they do, well and good. But I protest that he has not given a single reason why we should not have these books.

The CHAIRMAN. I suppose that because a motion has been made —

Mr. BROWN. I notice the gentlemen of the committee who do not attend here much, are in no danger of ever getting maimed for life in the discharge of their duties.

Mr. MELLE. I will take all the flings at me, by and by.

Mr. BROWN. I say that Thomas J. Marsh, Jr., under my advice, will never produce those books, if he has any.

Gov. BUTLER. Now we have come to an issue.

Mr. BROWN. And if there is any power in this committee, or in this legislature — and I put it to you, gentlemen, simply on the ground of public policy and right whether you believe it is in accordance with your duty to use it. If the man has a record he has not yet been asked for it. It is not a public record, it is a private record. He has not yet been asked for it, and consequently this whole discussion is untimely. If he had been asked for it, and if gentlemen of this committee want to anticipate the question before it is reasonably and fairly before them, they can do it now. I say that when Thomas J. Marsh, Jr., is asked for that book, if he wants to produce it he can ; but he will produce it without any knowledge or advice upon my part as to what I think he ought to do ; he will do it upon his own judgment and upon his own discretion. But I say to you, gentlemen, that I don't believe that eleven gentlemen sitting here are going to ask an officer to produce a record which His Excellency has said, in regard to part of it, that he purposes to use it for consultation with the friends, as he says, to what end we don't know. The Commonwealth's dead, men whose bodies, by the law of this Commonwealth for upwards of fifty years, have been devoted to a purpose which is honorable, to a purpose which has contributed to that intelligence in medical science in this community to which you and I and all of us owe perhaps our lives and our health. Now, what is the reason ;

what good? Does anybody say that any good is to come of this? Simply, I am going to have that book. That is it. His Excellency has made up his mind he is going to have that book, and that is all there is of it; not a syllable as to any other public good that is to be accomplished—not a syllable. Not a syllable can be mentioned. What of it? Does it make any difference who these persons were? This discussion, this investigation has not revealed one scintilla of evidence that any man has been sent to that institution unlawfully. Not a syllable that any man who requested to be buried was afterwards sent to a medical college—not one. Not a syllable that any man ever called for a body at this institution that the friends didn't get. In one or two instances it is true that a mistake had been made and that those who were supposed to be without friends who went for them, and in that instance the body was returned; not a syllable, for aught that appears by this testimony from the beginning to the end of this investigation. It has been conducted honorably, it has been conducted honestly; and the only pretext that I have heard given for a word said against it was that it was not conducted in broad daylight, so that every man in the institution could be made miserable, by knowing what was going on. That is all I have heard, and I have listened very attentively. Now I say to the gentlemen of this committee that the time has not come. This officer has not this book, if it exists. It is not in my control and it is not in his control, if it exists; and the time to decide this question is when the party who has the book, who His Excellency alleges has the book, is called as a witness, if he is called at all.

Gov. BUTLER. Mr. Chairman, I think we can get along without any particular heat on this question. Let us see where we are, exactly. It was said at the beginning of this investigation that it was—a portion of it was to look into the truth of some remark, or the correctness of some remarks made by the governor of the Commonwealth in his inaugural that certain things were being done with the dead of this institution which were not according to the wish of the inhabitants of this Commonwealth. And I called the attention of the inhabitants of the Commonwealth to it for the purpose of having some legislation upon the subject which the legislature has not yet enacted, undoubtedly because it has been waiting for this investigation to get through. All of us agree that the statute under which this thing has been done is very loosely drawn, and leaves

the administration of it, if in the hands of bad men. liable to great abuse. It early appeared that there had been a large number of the dead sent away, some before and some after they were buried. It appeared by testimony that they were taken and transported by a man, and afterwards by a woman, who carried on the business. In pursuance of what I thought was due the committee, and supposing that I should get a fair and honest account of the transaction from her and save all trouble of long investigation, I sent for her and put her upon the stand and asked her about it. You remember that she swore that she was engaged in the transportation business, but she didn't know what was transported ; she never saw any. She knew "little ones" were transported, because she had a little quarrel about what should be paid for "little ones," but what those "little ones" were she never told us upon her oath. I then found Mr. Hall, who was very severely attacked after he was examined and testified that he had kept an account of these bodies and made a return when he left off. And I took the book, saying I would not put it in then ; that I would consult with some of the friends of the deceased, of the dead named in that book ; and upon such light as I had I would shape my course. And I have had no opportunity to put it in since. I think it will appear, very likely — I don't know, but I think it will appear whenever my turn comes to rebut some evidence that has been brought here. Now, then, I have only called attention to this to show that this has been a subject brought forward from the beginning. A request in writing, if I remember right — I may be mistaken — was made for all the books, that I might examine them, either myself or by those that I might employ. I was assured they were all here. I commenced examination and I found that some must be missing. I again made a call, and again a large quantity more were sent down. I examined ; and then, upon the cross-examination of Charles Marsh I ascertained there were more books, and I sent for those — the committee sent for those. And then we had the solemn assurance at that time — because I was earnest about it then. And it was said that I called so that my call could not be understood. I can only say that my call was for every book and memorandum, large or small — as broad as language could make it—should be brought and put into the hands of the committee. When they are in the hands of the committee, then the committee, upon examination, can determine the question of public policy, whether they shall be

allowed to be inspected by me first; and then whether I shall be allowed to put them in turn into the hands of the busy reporter to go broadcast over the Commonwealth. Upon that question I don't think there will be any difficulty between me and the reporter — between me and the committee at all. I have shown from the beginning, since that book was called for which Mr. Hall produced here, a due regard for the decencies of life, I trust. But the question now is a broad and open one. The difference is that they will judge of the time when books shall be produced here. They cannot judge of the time by any rule of law whatever. They must produce the book and put it in the hands of the court, and then the court will judge upon the question, whether it shall or shall not be produced as a matter of public policy. Now, then, we have the counsel, learned counsel before us; and he has, with considerable vehemence and great positiveness declared that so far as he can, that so far as in him lies, he nor his client shall not obey the order of the committee about these books.

MR. BROWN. No such language has been made by me.

GOV. BUTLER. You heard what was said; we won't have any discussion about that at all. You heard it; and I said: then the issue is made up. And it becomes, then, a very grave issue whether the legislature, the grand inquest of this Commonwealth, a committee of the legislature, will sit here and be told that whatever orders they make, this almshouse and these officers will disobey them. And the counsel says he will abet them in doing it; and yet he asks you to hear him use hard words against everybody that he don't like much; that is all. Now, I think that this thing had better be brought to a close one way or the other. If he is to be permitted to do this, then there is an end of this hearing, so far as I am concerned; because I won't sit here and have withdrawn from me the instruments of evidence — the books of the institution. Whether they are larger or smaller is not of any consequence. They are the record. They are the record from which he has pressed in a report against my objection to you. Now, I want that original record to show that this pressed report is true. He has pressed in by the witness on the stand here the evidence, against my objection, that Thomas J. Marsh, Jr., made a certain report. I asked him if there was books produced. He said there were. Now, who is Thomas J. Marsh, Jr.? He was assistant superintendent of this almshouse. Upon the testimony of Mr. Nourse.

although nothing of that kind appears of record, ten years ago he was appointed agent of the trustees to do a certain very important duty ; that is, the duty of keeping a record of the disposition of the dead. I say important, because our laws have guarded that more strictly than any other thing in this State. No man can dispose of a dead body by law without having, not only a private memorandum record in his pocket, but without having a public record, open to all men. And it is a very high crime to do it otherwise. Now that shows the wisdom of the Commonwealth and the people of the Commonwealth in regard to the sacredness of their dead, in which they only follow the most savage tribes ; because there is no tribe found so savage, outside of Tewksbury, that has ever failed to show respect to the dead, in the history of the world. Now, then, I ask for the production of this book. You are at once told that I am going to make an improper use of it. What is the evidence ? The evidence is that I would not make use, at the time, of a book when I had it, a part of this record. Now, Dr. Dixwell, — who, of course, never has been slandered here ; he has only been called a lunatic and a liar and a few slight love-pats of that description — has made certain testimony here, that in certain years he found, down in a certain institution, a great many infants ; and I propose to show that his testimony is true, and I propose to show it by these books. We were told that he must be a liar because there were quite a number of doctors who came here and swore that they never saw an infant down there, and there never was any use for one except in one case, very lately, when a doctor who had come from Paris with little peculiar notions undertook to show the foetal circulation from an infant ; and that they never were wanted, never were seen ; nobody ever thought of dissecting an infant : they hadn't any musele, they were not developed. We were treated to that over a week. Well, now, according to their report, in ten years thirty-six children have been sent down there. The report leaves it a little indefinite. If we can get that book and compare it with the register we shall find about what the age of those children was, and perhaps — I think I shall be able to sustain Dr. Dixwell in part. And I shall have certain other evidence to sustain him and to show that these doctors, — well, we won't use any hard words — forget easily — that they brought here. Now, that is the use I propose to make of the books. I propose to you that ; and to

show the fact that only 564 bodies — if I get the number right — 585 in ten years only have been sent to all the colleges. Now, I don't believe that, because every man who had to do with these colleges has sworn that there was a great call for this "material," as it is called in the reports. Mr. Marsh has not made any report as to bodies; he has only made a report as to material used for anatomical science. Now, I want to find out whether they were bodies. That, you see, would be in ten years only about fifty a year to all these colleges; to the four or five colleges they were sent to. Well, we have got testimony from Harvard that there were more than that sent a year in some years from Harvard alone — from Tewksbury — upon the testimony of Dr. Porter, which I don't rely upon half so much as I shall upon some other testimony by and by. That is what I want of these books. Isn't that a proper object? It is to correct one set of witnesses and to sustain and correct another set of witnesses by the daily record of a public transaction made by a public officer. And when I ask for these books, and have been asking for them for years — for months — the counsel for the officer, knowing, as he ought to know, with proper study of his case, that he had the book; when from his own witness he could have known it, and did know it before I did, I have no doubt, — when I ask for them, is the committee to be told that they will not — that whether they order them or not their order shall not be obeyed. Napoleon said France would not negotiate under a threat. If I were a committee I would never allow myself to be threatened as to what would be done if I made an order, to influence me not to make it. That won't do. That is not the way to get along in this world. That is the first question to be settled. Will the committee sit here and hear further from counsel or client who stands in contempt of the committee by threatening to disobey their order if they make it? How long, sir, in any court of justice would counsel be allowed to practice or stand in court who got up and thrashed his hand on the table and told the court: Whatever order you make I won't obey it, and my client shall not, if he takes my advice? If there is any court that will stand that from counsel I never will appoint that man justice of the peace; never, never! because he should not be browbeaten in that way. That is the first question for you to settle. Because I cannot ask you, — and the learned gentleman of the committee who makes the motion did not include it,

— to pass an order which is going to be disobeyed. Further, I will tell you what this book is wanted for. I want to examine Mr. Nourse upon it, and ascertain what he did about it. His agent was reporting to him. He is on trial, under investigation here, whether he took care of the dead as well as he did of the living, or what; whether he looked into it to see whether that was true or not; whether he compared the report with the book; whether he saw — a thousand questions which I might ask, and twenty of which perhaps I should. I am told I cannot have it now. Why? Because the counsel says he won't obey the order of the committee. Why shouldn't I have it now? I will tell you what is wanted, as I understand it. It is that Thomas J. Marsh, Jr., shall keep the books in his pocket until I come to his cross-examination, and then I cannot have examined them in connection with the other records, and I cannot cross-examine him intelligently. That is what is wanted, and that is why this bold, defiant declaration is made to the committee. He says he can produce them when he is on the stand. I simply want them now for the purposes indicated — legitimate and proper purposes, every man of you will agree with me; and it is a right to which I am entitled. And all the rough talk, that I want it because I said I would have it — I have not said I would have it; I have only asked for it. Have I said anywhere, gentlemen, that I would have it? No. I haven't even said I would have it if I could get it from him. I have only asked, and I did it in the mild way that when I said to you, after it appeared that your order hadn't been obeyed, I said you were to vindicate your own honor, and I thought your honor required that your order should be obeyed. Did I go any further than that? Now, I am dealing with legislators; with men that their constituents have vested with power — and rightly — to represent them in the interests of the Commonwealth. I am addressing those legislators sitting in a judicial capacity in a matter of high concern; and all I ask is that propriety of action and that following of the ordinary uses of courts of justice in the production of evidence which has never in any case been controverted, so far as I know. The committee will pass such order as they think, according to the requirements of justice, should be had. And when the books are produced I suppose they will be submitted to me; and if they are I certainly shall consult with the committee before I bring out the names of any persons upon them,

and if I find occasion to bring out the name of any person I will show cause why I should bring it out before I do.

Mr. RISTEEN. It seems to me there can be no question, no difference of opinion in the minds of the committee. Their self-respect demands that the books should be produced, and I hope the books will be produced.

Mr. PUTNEY. It seems to me that one matter should be settled; certainly I wish to have it settled in my own mind — whether or not this book is considered to be the private property of Mr. Marsh. If so it seems to me it would be proper to have the book called for when he is on the witness-stand. But I assume from the fact of his being called upon by his superior officer to make a report to that board and having done it by that book — that would indicate to my mind that the book is public rather than private property. If that is so it seems to me that now is the time to have the books brought forth.

The CHAIRMAN. Any other member of the committee anything to say.

Mr. RISTEEN. I call for the question, Mr. Chairman.

Mr. LEARNARD. I understand the book is to be placed in the hands of the committee for the committee.

The CHAIRMAN. That they are to be produced for the committee.

Mr. BROWN. Perhaps I can relieve the committee from some embarrassment. If this witness has the book I am perfectly willing he should produce it.

Gov. BUTLER. Oh, dear!

The CHAIRMAN. State your motion again, Mr. Mellen.

Mr. MELLEN. I move that the managers of this institution, or Thomas J. Marsh, or all conjointly, be ordered to produce the book alluded to, in which Thomas J. Marsh kept the record of the dead — the books which have been under discussion.

Mr. BROWN. That being an entirely different motion —

Mr. MELLEN. Mr. Chairman, I object to counsel acting as a member of the committee.

The CHAIRMAN. I don't understand that there is no evidence yet that there is any book. Hall produced a memorandum book here which was not put into the case. He produced it to refresh his memory with. There is no evidence here to my mind that there is any book such as the committee want. If there is any memorandum or paper which the committee desires,

I think the demand should be made specific. I will put the motion as you made it.

Mr. MELLEN. It seems to me that the chairman ought to see as clearly as I do, that there is a book, a very important book, in the possession of somebody that is or was an officer of Tewksbury.

The CHAIRMAN. You can state your own views. I decline to allow you to state mine.

Mr. MELLEN. Exactly. I am trying to make myself clear. It seems to me it ought to be seen by the chairman.

The CHAIRMAN. It has seemed to me all the way that the principal witness in this case was Thomas J. Marsh, Jr. When His Excellency stopped putting in evidence, I said as one member of the committee, that Thomas J. Marsh, Jr., ought to be produced and examined in chief. But upon promise of the counsel defending him, that he was to be here, I didn't insist upon his being called. If he has any public book, I think he should produce it; if he has nothing more than Hall had,—a memorandum to refresh his memory with,—I doubt the power of the committee to compel him to produce it. I am ready to put the motion.

Mr. MELLEN. We will talk about that afterwards. I believe that if there is any memorandum or book kept by any officer of that institution, that book or memorandum should have been in the possession of this committee upon the very first order passed by this committee, or, at least, upon the second order; we ought not to be obliged to call upon them with a fourth order. There can be no doubt that there is some book that the counsel and his friends don't wish to have this committee look at; that ought to be apparent to the chairman. Now, I insist upon the adoption of this order, or upon the members of the committee who are opposed to it going upon record as opposed to its being brought here. I don't think any member of the committee is willing to go into that.

The CHAIRMAN. I don't think there is any member of the committee who desires it.

Mr. BROWN. I was going to remark that the motion as now put is entirely different from the motion previously made; and feeling it to be a different question, it raises in my mind an entirely different question, to which I would like to say a word.

Mr. MELLEN. I don't think it is the same. All I wish to get

at is the book that the gentleman is objecting to have come before the committee. That is all I want.

Mr. PUTNEY. I would like to know whether the gentleman proposes to withdraw the former motion that he made.

Mr. MELLEN. Not at all.

Mr. PUTNEY. Then I think the first question should be upon that.

Mr. MELLEN. I wanted to make it broad enough for those gentlemen who are disposed to dodge and to hide under technicalities.

Mr. PUTNEY. Before that question is put, I would like to have the best part of Mr. Nourse's evidence read.

Mr. LEARNARD. I would like to know if the remark of the gentleman [Mr. Mellen] is intended to apply to the committee.

Mr. MELLEN. It is my purpose to press these gentlemen to bring in their books; that is, anything that relates to this institution. I think they have been very impudent, and I think they deserve the censure of the committee.

The CHAIRMAN. You understand the motion. I suggest that they deny there is any such book.

Gov. BUTLER. Who denies it?

Mr. MELLEN. I don't so understand it, Mr. Chairman.

The CHAIRMAN. It has been said —

Mr. BROWN. I have repeatedly denied that there is any such book.

Gov. BUTLER. I think I can state the testimony in regard to that. The witness testified that Mr. Marsh produced a report and the books from which the report was made. That was a report of a public officer, and he made the report from the books kept by a public officer.

Mr. BROWN. That is inference, — that the book belongs to this institution. This witness has not passed any judgment upon that, and I have denied that it does belong to the institution or is any part of the records of this institution. Now, if I may be allowed to say a word.

Mr. MELLEN. I object to his discussing this matter further. The only question at issue is whether a book kept by Thomas J. Marsh, a record of the bodies sent away, is the property of this committee or not. There was such a record kept.

The CHAIRMAN. Mr. Putney asks Mr. Burpee to read the testimony.

[The stenographer read from the last part of Mr. Nourse's testimony.]

The CHAIRMAN. I will put the question to the committee, if they are ready: That Thomas J. Marsh, Jr., be required to place in the hands of the committee all the books, papers and memoranda showing the delivery of dead bodies from the State almshouse at Tewksbury to any person or corporation whatever. Is that broad enough, Governor?

Gov. BUTLER. Disposition, I should say, and delivery.

The CHAIRMAN. Delivery and disposition of dead bodies.

Mr. BROWN. I desire to call the attention of the committee that this is entirely different from any motion that has yet been put.

The CHAIRMAN. I think it is; but I thought I would make it comprehensive enough to ask for anything. I will put the motion as Mr. Mellen prefers it. Mine is a little more comprehensive.

Mr. MELLEN. It is the same in substance.

Gov. BUTLER. It is only the same thing. What we desire is this memorandum book that once was submitted for the inspection of the trustees of that State institution.

The CHAIRMAN. I will add that: meaning the books exhibited to the trustees.

Mr. BROWN. Now upon that new motion I claim the right to be heard.

Gov. BUTLER. There is no new motion: it is simply framing the question.

Mr. BROWN. I think it raises a serious constitutional question, and to pass an order in that form is contrary to precedent which His Excellency established in a congressional hearing at Washington.

Gov. BUTLER. The difficulty is that Mr. Brown has a copy of the Congressional Record, and he wants to read from it. I established no such precedent. He tried to read it once before, you remember. If it were not for taking so much time I would like to have it go on record now. But now is not the proper time. I shall have an opportunity some day.

The CHAIRMAN. It is moved that the question be taken without hearing Mr. Brown.

Mr. LEARNARD. I think if Mr. Brown desires to address the committee he ought to have some opportunity. The gov-

ernor has made some remarks, and I think Mr. Brown should have an opportunity to reply.

The CHAIRMAN. We are struggling with a difficult question—

Mr. BROWN. I won't say anything.

The CHAIRMAN. It seems to me there is not evidence enough here. I doubt if we can compel a man not on the witness-stand to produce such a book. Our order, I take it, we want to have obeyed; so it is well to consider what the order is. Those in favor of the motion, as stated by the chair, will raise their hands—seven; those opposed, by the same sign; it is a vote. Mr. Marsh, you will take notice of the order passed by the committee. Now, it is twenty minutes of one, will you go on until it is one, Governor?

Gov. BUTLER. No, I want the books before I go on. I want to examine the books when they are produced. I want to call the attention of the committee to the condition of things. Tomorrow, if I go up to Williams College at all, where I am asked to go, a part of the journey is in view of an official visit to the Hoosac Tunnel—

Mr. MELLEN. Governor, we don't hear what you say.

Gov. BUTLER. I was saying that I desired to-morrow to go up to Williams College, so as to be there on Wednesday morning; otherwise, I shall have to ride until quite late into the night. And then, the council have voted to make an examination of the Hoosac Tunnel and the road where the double track is going down under our direction, on the day after the Fourth, and I shall not be able to get back here until Saturday.

The CHAIRMAN. You mean you will be here to-morrow and then be here Saturday.

Gov. BUTLER. I don't see how I can be unless I start at four o'clock and ride far into the night.

The CHAIRMAN. A train leaves at three o'clock, Governor,—a swift train.

Gov. BUTLER. I was informed that I would not get up there until quite late. The officers of the road told me I had better take the morning train. However, I will be here if the committee desire it; and perhaps I had better be. I will sacrifice every convenience and comfort of my own if the committee desire; so that they may vote upon it without any reference to my convenience, but I don't see how I can be here until Monday next, afterward.

Mr. WOLCOTT. I should like to ask His Excellency whether

it would be possible for him to substitute some counsel for this week, as was done once before.

Gov. BUTLER. Oh, no, sir; when I was putting in my own testimony I could instruct counsel, but when I am on cross-examination I cannot.

Mr. WOLCOTT. Then I move to adjourn until Monday morning.

Mr. BROWN. I have a witness here who is attending at considerable inconvenience, and I want to ask him one question.

Gov. BUTLER. Call him now, sir.

TESTIMONY OF EDWARD S. WOOD (*sworn*).

Direct examination by Mr. Brown.

Q. Professor Wood, you are a chemist, are you? A. Yes, sir.

Q. Your name is Edward S. Wood? A. Yes, sir.

Q. Have you, as a chemist, made examination of inks? A. I have, sir.

Q. Have you examined this receipt [produced] of Thomas J. Hall, dated April 13, 1877, for forty-six dollars? A. I have.

Q. Is it written in one ink? A. In one kind of ink.

Mr. BROWN. That is all I care to ask.

Gov. BUTLER. That is all.

The CHAIRMAN. Now, as to meeting to-morrow.

Mr. LEARNARD. I move to adjourn to meet at half-past nine to-morrow morning.

Mr. RISTEEN. I second Mr. Wolcott's motion, that we adjourn now until half-past nine next Monday morning.

The CHAIRMAN. Did you make that motion, Mr. Wolcott?

Mr. WOLCOTT. Yes, sir; I made that motion. I understood the governor to say he could not be here —

Gov. BUTLER. I cannot be here until the afternoon of Saturday—my secretary informs me that the arrangements have been so altered that I can get back on Friday afternoon.

The CHAIRMAN. To-morrow?

Gov. BUTLER. Not to-morrow.

The CHAIRMAN. Half-past nine Saturday morning.

Gov. BUTLER. And I wish, then, the gentlemen of the committee, or a quorum of them, made up in the proportion in which the committee is made up, would be here to sit all day.

THE CHAIRMAN. I wish the eleven could be here every day.

MR. BROWN. Mr. Nourse informs me that he cannot be here on Saturday.

GOV. BUTLER. Then take somebody else.

MR. BROWN. I only thought I would call attention to it.

GOV. BUTLER. You will agree with me that whatever else may occur, when any indulgence has been asked I have consented.

THE CHAIRMAN. Shall we adjourn until Saturday?

MR. LEARNARD. Can't we sit to-morrow?

GOV. BUTLER. No, it is not impossible, because I can make it up by riding through the night.

THE CHAIRMAN. You get to Williamstown at 10 o'clock, leaving here at 3, Governor.

GOV. BUTLER. I can only say to that, that arrangements have been made for the gentlemen going with me to go in the morning.

THE CHAIRMAN. Then we will adjourn until Saturday. Now, before we adjourn, I have received a package from Exeter which I suppose contains depositions. If there is no objection I will mark it received as of to-day.

GOV. BUTLER. I have no objection.

THE CHAIRMAN. I will mark it opened and filed so it may be open to either party.

[Adjourned.]

FIFTY-FIFTH HEARING.

SATURDAY, July 7.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

The CHAIRMAN. I suppose the parties have noticed an order passed by the legislature that this hearing be closed on next Friday, the report to follow on the Tuesday after. Now, if the time can be farmed out equitably and amicably we shall be glad of it.

Gov. BUTLER. How long does the committee propose to sit during the day?

The CHAIRMAN. I am willing to sit all day each day. I don't know what the committee are willing to do, — have two sessions a day for the six days. How does that strike you, Mr. Murphy?

Mr. MURPHY. I have no objection to whatever the committee agree to.

The CHAIRMAN. Mr. Fuller?

Mr. FULLER. I should prefer to sit once a day.

The CHAIRMAN. Mr. Chester?

Mr. CHESTER. I don't want to sit at all.

Gov. BUTLER. Have you a copy of the order, Mr. Chairman?

The CHAIRMAN. I have not a copy of it; it is simply an order to that effect; and we are to hold at least one session each day. What do you say, Mr. Learnard?

Mr. LEARNARD. Two or three sessions.

The CHAIRMAN. Mr. Chamberlain?

Mr. CHAMBERLAIN. I will try to put it in.

The CHAIRMAN. Mr. Gilmore?

Mr. GILMORE. I will sit as often and as long as anybody.

The CHAIRMAN. It is understood we will hold two sessions a day.

Gov. BUTLER. Well, I will do what I can. What can't be done, of course, is not to be done.

The CHAIRMAN. Mr. Brown, do you think you can close to-day and Monday?

Mr. BROWN. All the testimony that I have to put in on direct examination cannot certainly take more than two hours. I want to call Mr. Charles Marsh in regard to his inmates' cash account. Then I have two or three other witnesses in regard to little matters.

Gov. BUTLER. Then you will be through to-day?

Mr. BROWN. I say the time occupied by direct examination will not be more than that. Of course I cannot finish until you have finished the cross-examination of Mr. Nourse. There may be other witnesses that you may desire to cross-examine at some length, so that I might not be able to get at the direct examination of another. I should like, Mr. Chairman,—I don't know what the view of the committee is, but it would make a great difference to me if I knew whether the committee expected this matter to be argued. If the committee don't expect this matter to be argued, why —

The CHAIRMAN. I supposed, with this limitation, perhaps we should get along without argument. Nothing has been said about it. The parties can dispose of the time as they choose.

Gov. BUTLER. Then this order was framed so as to cut off the argument, was it?

The CHAIRMAN. No, Governor. The hearing is to close on Friday.

Gov. BUTLER. The argument of Paley was, when you find a watch cunningly contrived, you always infer the maker. I only reverse it, and finding the maker, I infer the watch.

The CHAIRMAN. We are to report Tuesday, after the hearing closes on Friday. I should think the whole thing should be closed Friday night.

Gov. BUTLER. I desire to present my views about this case. If the legislature or the committee chooses to take such action that I cannot, I cannot help it. I shall be heard somewhere, undoubtedly. [Applause.] The committee will see at once the injustice that will be done the investigation to proceed without appropriate argument upon the evidence before them; after this mass of evidence, which I suppose they have digested and carried along in their minds thoroughly,—that then there should be a report in the nature of an argument, and then no

opportunity to reply to that by putting in the views of the other side ; it would be an injustice against which I should respectfully and firmly protest, that is all ; I don't care to say anything more.

THE CHAIRMAN. As to the report being an argument, I suppose the report is to be founded on the evidence. I take it a report not founded on the evidence would be ridiculous.

Gov. BUTLER. You will find out what the evidence is ; the public would not. But, however, —the more partisan pressure the better.

THE CHAIRMAN. I don't think that remark of the governor's is called for.

Mr. BROWN. So far as I am concerned I should be very happy to argue this matter to this committee ; and for that purpose I will agree that they may call on me any day or night, or on Sunday, as far as that is concerned, for that purpose. If I am not arguing I may be yachting.

Mr. MURPHY. I don't see any reason why there should not be argument. My idea is to divide the time in the presentation of evidence in such a manner as to allow time for argument ; that is, if the representatives on both sides agree to it, and decide how long they want for an argument.

Mr. GILMORE. I should suppose the counsel on both sides could arrange it so as to use part of the time in argument.

Gov. BUTLER. Well, we will meet it when it comes. "Sufficient unto the day is the evil thereof."

Mr. CHAMBERLAIN. There seems to be — Mr. Brown's evidence is very nearly in. He says he can put it in in two or three hours, and he would probably get through to-day.

Mr. BROWN. The gentleman must not misunderstand me. I say that my direct examination won't occupy more than two hours.

Mr. CHAMBERLAIN. Then with two sessions a day it seems as though it might be arranged so that the parties might argue the case if they feel disposed to do so. We can save a day and make a day of it.

Gov. BUTLER. I have not yet received the books that were ordered on Monday ; I don't know where they are.

Mr. LEARNARD. I believe the books were ordered for the use of the committee.

THE CHAIRMAN. The books were ordered for the committee,

and it is for the committee to decide whether they shall go into the report. Mr. Marsh, will you produce the books?

MR. THOMAS J. MARSH, Jr. Mr. Chairman and gentlemen of the committee, I consider the memorandum my private property, bought and paid for by myself; I am satisfied they will be used to my detriment if used here. I most respectfully decline to produce them.

GOV. BUTLER. I think the hearing will close before Friday if the committee stands this. I cannot, for one, Mr. Chairman and gentlemen, agree to the doctrine that a public officer, whose whole time is paid for by the Commonwealth in the service of an institution, can be appointed to do another and a very delicate service for the Commonwealth, accept that appointment and keep a record of it in books—whether he buys them or anybody else buys them; from the description of the books the value might be ten cents, possibly—and then decline to exhibit the records of a public transaction of public business in which he is solemnly appointed an agent, on that ground.

THE CHAIRMAN. I suppose it is proper for the committee to have these books if there are any. I don't see anything else for the committee to do but to report back to the House or Senate for their action.

GOV. BUTLER. I have examined, and so is the conduct of other institutions. There has been an examination made, and at the Bridgewater workhouse, where they have the right to make the same disposition of bodies, they have made it properly so far as I know, and no complaint has been made. Those books are not only kept, but are filed, and are open to the inspection of everybody.

THE CHAIRMAN. Books showing the delivery of bodies?

GOV. BUTLER. I was so informed.

THE CHAIRMAN. I was informed at Bridgewater that they didn't deliver any bodies.

GOV. BUTLER. I was informed the other way.

THE CHAIRMAN. I asked carefully about that. I asked the manager there, Capt. Leonard, and he said he didn't deliver any bodies.

GOV. BUTLER. That is better still than I supposed.

MR. GILMORE. That is what he told the committee; that he refused positively in all cases, and if he was called upon to do it he should surrender his office.

GOV. BUTLER. However, whether I am correctly informed

or not, I am so informed. All I can say is, if he didn't deliver any, of course there are no books. But all I can say is, again, that upon what I deem by far the most important part of this investigation, and have put it forward from the beginning, the records of the Commonwealth's business are kept away; and after solemn argument, after a threat to the committee that their order shall not be obeyed, the committee passed a unanimous vote, so far as I could observe, — I don't know whether it was declared unanimous or not, — that it should be done, now the officer refuses it. There is but one thing to be done under those circumstances; we must invoke the power of the legislature. Cost what it may, the power of the legislature must not be contemned. There is but one thing to do, then. I want the books to cross-examine Mr. Nourse upon, and I cannot have them. The committee ordered I should have them. They have had a week to produce them, and you are solemnly informed that they will not be produced. You can only report to the House for such action as they see fit.

THE CHAIRMAN. That is what I suggested; that we had nothing to do but to report the facts to one branch or the other for their action. Now this, of course, brings in a controversy which cannot come up until Tuesday, as neither branch will be in session until Tuesday.

MR. BROWN. I would like to say a word upon this subject. His Excellency has taken advantage of a remark I made last week —

THE CHAIRMAN. I think the committee understood your remark—that he would not produce the books by your advice, but if he saw fit to produce them he could.

MR. BROWN. Under the preceding order for the investigation I am satisfied that the chairman was right, that the committee had no right to pass any such order. Mr. Marsh had had no notice, was under no subpoena; and I consider that the order in a strictly legal sense has no more binding force — that this committee has been induced by His Excellency the Governor, to pass an order which has no more binding force than the vitality of the paper and ink of which it was made. It is unconstitutional and void, and illegal.

GOV. BUTLER. Neither unconstitutional nor void.

MR. BROWN. We will try that question.

GOV. BUTLER. It has been done a thousand times. You are authorized to send for persons and papers. With the person here

acting as defendant in the cause, what is the use for sending for him? He is here. You don't need to send a carriage to bring a person who is present.

MR. BROWN. We will argue that in another place, Governor.

GOV. BUTLER. Perhaps we shall, and perhaps we shall not.

MR. BROWN. If not, I am satisfied.

GOV. BUTLER. I want to get him into that other place where it shall be argued. Now, then, his counsel submitting a long argument, submitting himself to jurisdiction — because if he had said, I am not present; send for me; and had taken his hat and gone out, why, then, I should have asked for a subpoena *duces tecum*, and had him brought back again. But he submitted himself to jurisdiction. Unreasonable searches and seizures of private property are inhibited by the constitution. But the right of the grand inquest of the State or country to send for persons and papers, and to bring them before them, especially papers which are public records, records of public action, records of public business —

MR. BROWN. Where is the law that requires this record to be kept?

GOV. BUTLER. What?

MR. BROWN. Where is the statute that requires this record to be kept?

GOV. BUTLER. The law of decent common sense! You will find it on the first page. [Applause.]

THE CHAIRMAN. It is too hot now to have much fun; let us keep quiet.

GOV. BUTLER. Yes; it is a very warm day, and we had better all keep reasonably cool and comfortable. I am. Now, then, under those circumstances, I can only ask that the committee will report the contumacy of Mr. Marsh to the House, and ask for such an order as the House may give. I regret that this should lengthen the proceedings, but here is enough to justify the legislature in keeping in session some time. I should justify them; and I don't know but I should be willing to sign a warrant for their pay while they were about it. This is high public business.

THE CHAIRMAN. If you will agree to sign one, I don't know but we will stay. Now, about this matter; I have written down substantially what I understand Mr. Marsh to say: — "I consider the books my memorandum, and I decline to produce them if they are intended to be used to my detriment." Perhaps the

reporter had better read what Mr. Marsh said, so there may be no question about it.

[The reporter read the statement of Thomas J. Marsh, Jr., as requested.]

THE CHAIRMAN. I don't understand that Mr. Marsh has been subpoenaed. You haven't subpoenaed him, Governor?

Gov. BUTLER. I have not.

THE CHAIRMAN. You haven't, Mr. Brown?

Mr. BROWN. No, sir.

Gov. BUTLER. He is here in the capacity of defendant. He is here as a public officer being investigated.

THE CHAIRMAN. Whether the fact that he is not now an officer will make any difference?

Gov. BUTLER. Well, report all the facts. That will have to be passed upon.

THE CHAIRMAN. I have expressed my view once or twice, Governor, about the law. I don't find any statute, and your Excellency don't suggest any statute requiring this record. I don't find any.

Gov. BUTLER. Do you find any statutory law requiring them to keep any books at the almshouse?

THE CHAIRMAN. Yes; I find that the secretary of State is to furnish them a book, in which they are to record the deaths and burials.

Gov. BUTLER. Then they must keep books of all their business. They cannot keep a few, and not the rest.

THE CHAIRMAN. Births and deaths; that is it. I will find it.

Gov. BUTLER. What else?

THE CHAIRMAN. [Reading.]

"The secretary shall, at the expense of the Commonwealth, prepare and furnish to the clerks of the several cities and towns, and to the superintendent of the State almshouse, blank books of suitable quality and size to be used as books of record under this chapter "

This is chapter 32.

Gov. BUTLER. You will find what I found on pages 470 and 471, under the title Tewksbury almshouse. They are required, I think, to keep books.

THE CHAIRMAN. [Reading.]

"The superintendent of the State almshouse shall obtain, record and make return of the facts in relation to the births and deaths

which occur in his institution, in like manner as is required of town clerks. The clerk of a town in which such almshouse is located shall, in relation to the births and deaths in said almshouse, be exempt of the duties otherwise required of him by this chapter."

Then follows what I read first.

Gov. BUTLER. That, in my judgment, has nothing to do with it.

The CHAIRMAN. Now, what is your page?

Gov. BUTLER. These got to be merchandise after they died. Ask Mr. Records if he has brought up those books of the trustees. I think it is near the bottom of page 470 or 471, in regard to the duties of the superintendent.

The CHAIRMAN. I don't find anything, Governor. Now, this witness says that the books may be used to his own detriment. Whether that raises his constitutional privilege, I don't know. Of course, if the theory of the governor is that this whole business is illegal, therefore he would not furnish the evidence — if it is broad enough to raise that question, of course it would be nonsense to go to the legislature.

Gov. BUTLER. He has not put it upon the ground of criminalizing himself.

The CHAIRMAN. I merely suggest that.

Gov. BUTLER. Pardon me. That is a privilege he must claim. When he gets up and says he claims they will criminate him, then I have got all I want, and I don't care whether they are produced or not. That cannot be raised except upon that ground. When that ground is put forward, it will be time enough to consider it. When you make your report to the legislature, I want you to put in another thing; that he and his counsel deliberately put in to this committee, the report of the trustees on the examination of these books.

Mr. BROWN. I beg your pardon; that is not the fact.

The CHAIRMAN. We will put the facts in in regard to that.

Mr. BROWN. His Excellency did that.

The CHAIRMAN. We will put in whatever the fact was.

Gov. BUTLER. Because he reported — he produced the books to his superior officers, and got a whitewashing report from them, and now he declines to let us see the original out of which that report was made so that I can test the accuracy of the report. That is what I want of them with Mr. Nourse. I have just heard of one matter which may be a matter of in-

terest, — that the workhouse at Bridgewater is burning. I regret it very much.

The CHAIRMAN. I was going to make one more suggestion, Governor. You said in regard to babies, that having found one at Harvard, or somewhere, you thought that would do as well as more. On that ground—you have traced a great many bodies, it is admitted, from Tewksbury to the dissecting-room. Now, does it make any difference that you have the exact number? They admit five or six hundred have been sent. The number certainly has been so large.

Gov. BUTLER. Oh, yes; it makes a wide difference. This is it.

The CHAIRMAN. I can see a long controversy over this question.

Gov. BUTLER. We are now investigating the management of this institution. The claim made against them was that they have sold a great many hundred bodies.

The CHAIRMAN. Babies.

Gov. BUTLER. Bodies; old and young. They say they have only in the interest of science, sent, all told, to four institutions, in ten years, 585, large and small. And they say there has never been any sold nor disposed of in any other way. Then comes the question that would arise upon the construction of the statute, whether that is a proper construction of the statute or not. If we could get the truth I believe there have been treble the number. My witness, Dr. Dixwell, has been attacked here as a lunatic because he swore they were good for dissection and that he had dissected them; and men who have sunk their truth in their science have come here and sworn to that fact. They admit that they have had 36 sent for purposes of science when none were wanted.

The CHAIRMAN. They say, Governor, there were uses for them in obstetrics.

Gov. BUTLER. What?

The CHAIRMAN. They all testify they are of use in obstetrics.

Gov. BUTLER. Only one or two had been used in a long series of years, when a lesson was given in obstetrics. Sometimes it was shown what the fetal circulation was, and the fetal circulation was, of course, shown only by a very young baby.

The CHAIRMAN. And any abnormal condition.

Gov. BUTLER. Monstrosities, sir. It would strike my mind that if you could find what was abnormal in the human frame by looking at an infant you might find what was normal by looking at an infant. That is the way it would strike me, but I suppose I must be wrong.

The CHAIRMAN. A withered arm might be important to examine when one not withered might not be.

Gov. BUTLER. Precisely so. That is what Dr. Dixwell thought. Now, here is a struggle as to the truth of a witness. Here are the books that will prove it and they are refused. I only rose to ask you to put in that, to show that copies of these books are relied upon by the defence, but the originals won't be produced.

Mr. BROWN. Then, I want to call the attention of the committee to another fact: that the governor's own witness has testified that no body ever went from Tewksbury prior to 1876.

Gov. BUTLER. Who was the governor's own witness?

Mr. BROWN. Mr. Chase and Mr. Hall both.

Gov. BUTLER. They were not there only during the years they testified to.

The CHAIRMAN. Governor, do you wish to examine Mr. Nourse further?

Gov. BUTLER. Yes, sir, I want to, but I cannot until —

Mr. BROWN. It was understood that Mr. Nourse need not present himself here to-day on account of another engagement; and I understood it was agreed that he should not be called until Monday.

Gov. BUTLER. I agreed to that and was perfectly willing.

The CHAIRMAN. Call your next witness.

Mr. BROWN. Mr. Marsh, take the stand.

[Mr. Thomas J. Marsh, Jr., was sworn and took the stand.]

Gov. BUTLER. I decline to go on with the examination of Mr. Marsh while he stands in contempt of the order of the committee; and the committee will, I think. I cannot go on with him until those books are produced.

The CHAIRMAN. That will take three days' time.

Gov. BUTLER. I cannot help that.

The CHAIRMAN. For one I should not be in favor of adjourning the hearing. What is the wish of the committee?

Mr. MURPHY. I can see the difficulty in going on with this witness while the governor takes the stand he does.

Gov. BUTLER. I cannot go on, and I am not going on ; all I care about him is for his books.

The CHAIRMAN. The direct examination might go on and the cross-examination might be suspended. If the books were produced to-day, I have very grave doubts whether they would be surrendered.

Gov. BUTLER. Well, sir, I wish you would not decide that until you hear why they should be.

The CHAIRMAN. I won't decide it, but I want to suggest why these three days of time should not be lost.

Mr. BROWN. I want to suggest a single matter and that is this :

Gov. BUTLER. I am not going on with a contemptuous witness.

Mr. BROWN. When Mr. Hall was put on, His Excellency distinctly stated that he intended to use that book to consult with the friends and relatives of those persons if he could find them ; for what purpose I know not. Now, it is for that reason and nothing else — If there is any public use, any legitimate purpose which can be stated to this committee for which these books may be used, not inconsistent with the theory which we believe the statute is intended to carry out and to cover, that would present another question. It is entirely upon that ground alone, the threat of His Excellency, that we have taken the position we have.

Gov. BUTLER. All that was argued over, and the committee made a solemn order for the books. If the committee haven't any more respect for themselves than to hear a man that testifies before them — who refuses to obey their orders, I cannot help it ; I have for myself, and I cannot go on.

The CHAIRMAN. The committee will determine whether the examination in chief of Mr. Marsh shall proceed or not.

Mr. MURPHY. I think, under the circumstances, Mr. Chairman, His Excellency having stated that it is impossible for him to go on, and taking into consideration the way he has acted and obeyed the order of the committee, there should be only one conclusion arrived at, and that is, not to hear him.

The CHAIRMAN. The cross-examination by His Excellency cannot be reached to-day.

Gov. BUTLER. I won't say any more ; it is of no use. All this has been arranged.

The CHAIRMAN. Been arranged where?

Gov. BUTLER. I don't know where.

The CHAIRMAN. I don't think those remarks are called for, Governor.

Gov. BUTLER. Pardon me.

Mr. MURPHY. I should like to hear the question we are discussing.

The CHAIRMAN. The question is whether the examination in chief of Mr. Marsh shall be proceeded with.

Mr. LEARNARD. I move that the committee adjourn until two o'clock to discuss this matter.

The CHAIRMAN. We need not take as much time as that.

Mr. MURPHY. I propose to have it thoroughly discussed if it takes all day.

Mr. LEARNARD. I wish to have it discussed as fully as the other gentleman does.

Mr. MURPHY. Your ideas of the matter, Mr. Chairman, are altogether too hasty.

The CHAIRMAN. I want to get through sometime.

Mr. MURPHY. I want to get through in honorable fashion.

The CHAIRMAN. So do I, as much as you do; and I don't want any insinuation to the contrary.

Mr. MURPHY. I didn't insinuate that you did not.

[The committee took a recess until 11 o'clock, and went into executive session; when the doors were thrown open, the public hearing went on as follows:]

The CHAIRMAN. The committee have voted to defer this matter of going on with Thomas J. Marsh, Jr., and to see if there is any testimony, deposition or anything that can be gone into to-day.

Gov. BUTLER. I can put on one witness.

The CHAIRMAN. How about depositions, Governor?

Mr. BROWN. I have some depositions which I desire to read, taken at my request.

The CHAIRMAN. Is Charles Marsh here, Mr. Brown?

Mr. BROWN. I expect him here every moment. I offer the deposition of Sarah E. Dolloff.

Gov. BUTLER. I would suggest, to save time, that we hand these depositions to the reporters and let them be printed.

Mr. BROWN. The only objection to that is that I don't consider the depositions taken by His Excellency have anything to do with this case.

Gov. BUTLER. All right.

MR. BROWN. The order was to take such testimony as I desired to take; and the order in regard to His Excellency was limited to testimony in rebuttal. I don't understand any part of it is in rebuttal, and when the testimony is offered I shall object to it.

GOV. BUTLER. Oh, well.

MR. BROWN. Shall I read right on, or shall I say interrogatory number so and so and answer.

GOV. BUTLER. Read right on.

MR. BROWN. [Reading.]

DEPOSITION OF SARAH E. DOLLOFF.

Direct examination by Mr. Brown.

Int. 1. Your full name is Mrs. Sarah E. Dolloff; and I believe you have lived in Exeter quite a number of years? A. Most of my life.

Int. 2. It would not be fair to ask you your age, but I suppose you will admit you are twenty years old or more? A. Yes, sir; twice twenty.

Int. 3. You are a dressmaker, are you? A. Yes, sir.

Int. 4. Have you ever been employed by Mrs. Atwood who lives on Lincoln Street? A. Yes, sir.

Int. 5. For how many years have you been dressmaker in that family? A. I think I commenced in the spring of 1870.

Int. 6. Whether or not you were the only dressmaker employed by the family from that time down to a year ago? A. I think I know most everything made for Mrs. Atwood. As I told the gentleman who visited me, I presume she might have cambrics, or something like that —

Int. 7. When you say the gentleman who visited you, do you mean my friend Carrigan? A. Well, he called on me, and also Mr. Sargent.

Int. 8. After he got through his call he didn't want any more of you, did he, madam? A. I don't know. I was glad to see him, but he didn't say he wanted anything more.

Int. 9. Did you ever make over any old clothes that you thought came from Tewksbury, or any other pauper institution, for the Atwoods? A. I never thought they came from there.

Int. 10. Did you ever make over silk dresses? A. I made over one silk dress for Mrs. Atwood's daughter.

Int. 11. In the thirteen years? A. In twelve years; yes, sir.

Int. 12. Do you know anything about the history of that silk dress? A. I knew what Mrs. Atwood told me at the time. She decided to make it over, and I think she showed it to me the year before.

Int. 13. Was it a dress she, herself, had worn? A. So she told me, — I think when Luther was an infant. She gave me the history of the dress.

Gov. BUTLER. I suppose what she told her is not competent.

Mr. BROWN. I suppose not. [Reading.]

Int. 14. What was the color of the dress? A. Brown, I think.

Int. 15. We have never succeeded in tracing a brown silk dress to Tewksbury yet. A. This was brown originally, when I made it over it had been dyed.

Int. 16. Well, it was not a modern style when you made it over? A. Oh, no, sir; not when I took it.

Int. 17. Luther was about how old then? A. It was the time he entered Cambridge; probably seventeen or eighteen.

Int. 18. So it was quite an uncommon piece; quite an uncommon garment? A. Oh, yes; if you could have seen the cut of it —

Int. 19. Did you ever make over any silk dresses except that? A. No, sir, I think not.

Int. 20. Were you dressmaker to the Davis family also? A. Yes, sir.

Int. 21. Now, in the ordinary course of business, during the twelve years, what, if any, clothing was made for the ladies of either of these families that were not made by you, — either cut or made, or both? A. I do not think there was ever anything of very much account. I know I did their principal dressmaking, — I don't know as I answer your question.

Int. 22. Now, did you ever know of any goods, with the exception of the silk dress, that were made over? A. Yes, sir; I have made over other dresses for Mrs. Atwood's daughter; I don't think I ever made anything over for Mrs. Atwood except dresses she had worn. She always had her dresses made over, more or less, — her own wearing apparel.

Int. 23. For her children? A. For herself.

Int. 24. And you have made her wearing apparel over for her children? A. For her daughter.

Int. 25. Has she more than one daughter? A. Only one.

Int. 26. And how as to Mrs. Davis. Have you done some work making over her wearing apparel for her children? A. I don't think she had it made over. She had two daughters, and almost always, if not without exception, the girls had dresses alike: not only with regard to material, but alike in style, with just a little difference. One would have a little wider stripe, just so you would see the difference; but they would not be made very different. I don't know that I remember making over any dresses for her except once, and those were dresses they had made before, and were of a different color.

Int. 27. Was your work confined to dresses only? A. Dresses only.

Int. 28. I suppose you went to the house, and did work there? A. Yes, sir.

Int. 29. Sat at their table? A. Yes, sir.

Int. 30. Two or three times each day? A. Always.

Int. 31. Did you go there for breakfast? A. No, sir.

Int. 32. But dinner and tea? A. Dinner and tea.

Int. 33. Now, if you ever saw anything in the shape of underclothing, shawls, seal-skin sacques — A. I never saw a seal-skin sacque there.

Int. 34. Anything that you thought came from the almshouse, won't you tell me what it was? A. I could not very well know what came, but I never saw anything more than in an ordinary family.

Int. 35. You must recollect that inmates at Tewksbury wore seal-skin sacques. A. I never saw one in Mrs. Davis's or Mrs. Atwood's house. I never saw a seal-skin sacque in their house unless some caller had it on.

Int. 36. Do you recollect that Etta Davis once had a sort of striped silk — a sort of Scotch plaid like? A. I don't remember.

Int. 37. A black and white stripe or black and white check? A. I don't remember.

Int. 38. You know who Etta Davis was? Mrs. Putney now? A. I do remember.

MR. BROWN. Now, if you know of anything else you haven't told me, I want you to tell it to Mr. Carrigan, because he is in desperate need of information.

THE WITNESS. I believe I have talked with him before.

Mr. CARRIGAN. I think Mrs. Dolloff and I agree. My call was a very delightful one I remember.

Cross-examination by Mr. Carrigan.

Cr. Int. 1. Mrs. Dolloff, did you cut all the clothing they had made over? A. I don't know of any they had made over excepting what I did.

Cr. Int. 2. Now, was it your duty to merely make them over or to cut and fit? A. Well, cut and fit, that is the first thing to be done. The making could not be done until it was cut and fitted.

Cr. Int. 3. But some people make who do not cut and fit, I understand? A. Yes, sir.

Cr. Int. 4. And I was not aware whether you did the whole or part. A. I didn't do the whole very often. Sometimes if my time allowed I would stay and attend to it, but oftentimes it did not.

Cr. Int. 5. How many years do I understand you worked for them? A. I commenced in 1870 — the spring of 1870.

Cr. Int. 6. Can you swear that you did all their work in that time? A. I could not swear, but I know I did all their good clothes.

Cr. Int. 7. Well, my question is this: were you the only dressmaker employed by the Atwood and Davis families during the time that you claim that you worked for them? A. I think I was; I don't think they had any one else to cut for them.

Cr. Int. 8. Well, is it not true that other persons made dresses for them during your time? A. I think Mrs. Atwood had sometimes other people come to sew, and it might be possible that they might cut some common dresses; but anything which was of any account — I was always considered the family dressmaker, and was engaged or spoken to in the spring to do fall work and in the fall to do spring work, whatever they had done.

Cr. Int. 9. But you cannot swear but what some other dressmaker did work at the same time? A. They could not have done very much, because I knew what they had, and I know I did about everything they had. Of course I could not swear that they did not have somebody to do some little thing.

Cr. Int. 10. Who made their underclothing, if you know? A. I was not told who made their underclothing.

Cr. Int. 11. Then you simply made silk dresses? A. I

guess I made something besides silk dresses. Mrs. Atwood had one silk dress.

Cr. Int. 12. You did the finest part of their dressmaking?

A. I think I did; I was considered their dressmaker.

Cr. Int. 13. Now, is it not true that they had several dresses made over while you were there? A. Well, in the course of those years I think I told you I perhaps averaged to make over one dress a year for the daughter. Perhaps I averaged that. And I may have averaged more than one some years. It may have been more than one a year.

Cr. Int. 14. Haven't you stated before coming into this room that you have made over as high as three, some years; from one to three a year? A. Well, if I did, the next year I might not make over any. I don't think I did make over three.

Cr. Int. 15. Then you think you have made over as many as three. A. No, I don't think I have made over three.

Cr. Int. 16. Haven't you so stated before coming into this room? A. No, sir.

Cr. Int. 17. Wait until I finish my question. The question is, haven't you stated before coming into this room that you have made over as high as three dresses in one year for Miss Belle Atwood—I think that is her name? A. No, sir; I don't think so.

Cr. Int. 18. Will you swear you never stated you made over from one to three a year? A. I think I should have to say that I never made over three.

Cr. Int. 19. Over three? A. I don't think I ever made three over for her.

Cr. Int. 20. Will you swear that you have not stated that? A. I should not suppose I would have stated it, because I have not done it.

Cr. Int. 21. You know you have not done it? A. I cannot recollect it.

Cr. Int. 22. Can you swear you haven't made three dresses over in a year, in any year you have worked for them? A. It may have been.

Cr. Int. 23. Will you swear you never made three dresses over for that girl, or any member of the family? A. Yes, sir; I think I am not afraid to swear that I never made three dresses over. We will put it that way. You can twist the other way of putting it.

Cr. Int. 24. Then you will not swear that you made over

three dresses a year in any year? Now, then, how many times during the week of each year were you there? A. I would not be there more than, perhaps, four days in the spring, and four in the fall; about that.

Cr. Int. 25. Then, about eight days a year you were with the Atwood family? A. I don't know as it would average that. There have been years that I have worked as much as that.

Cr. Int. 26. And there may have been in that house other persons at work and you not know it? A. I don't think they ever had very much.

Cr. Int. 27. Do you work for them now? A. I have not worked for them very much since last fall.

Cr. Int. 28. Now, during the last two or three years they have employed other dressmakers? A. I think not; not cutting.

Cr. Int. 29. I am putting it down to three years now. During the last three years will you swear you have been the only dressmaker there at work for them? A. I don't know of any one that has cut anything for them in three years.

Cr. Int. 30. And yet there may have been people working for them that you didn't know? A. I think I should have known.

Cr. Int. 31. Do you know Miss Olive Clark? A. I know her; not personally. She has worked there since I left, but never before.

Cr. Int. 32. Do you know she never worked there before? A. She never worked there before this spring.

Cr. Int. 33. How do you know that? A. I know Mrs. Atwood told me.

Cr. Int. 34. Simply hearsay? A. She never has.

Cr. Int. 35. Do you know any other dressmakers in town that have worked for her? A. She has had none except myself and Olive Clark.

Cr. Int. 36. While you were there, she had people there sewing, didn't she? A. Occasionally she would have some one for a day; she usually did her sewing.

Cr. Int. 37. Now, on the question of underclothing; do you know who she had to make that up? A. Usually dressmakers are occupied dressmaking all the time, and don't get a chance to bring in anything else.

Cr. Int. 38. Now, you were there about seven or eight days during the whole year? A. About that, I should think.

Cr. Int. 39. And did you visit back and forth frequently? A. Yes, sir; we always went back and forth frequently.

Cr. Int. 40. How frequently? Once a week? A. No, sir.

Cr. Int. 41. Once a month? A. Yes; I should think as often as that.

Cr. Int. 42. How long would you stay? A. According to circumstances. Sometimes an hour, and sometimes not more than half an hour.

Cr. Int. 43. Well, then, as far as you know, you know nothing about their domestic relations, other than during seven or eight days in a year, when you were there employed? A. No, sir.

Cr. Int. 44. And you didn't go there to breakfast? A. No, sir.

Cr. Int. 45. How late in the evening did you stay? A. Until eight o'clock.

Cr. Int. 46. And that is all you know about their domestic relations, — what you saw there? A. That is all I know about — the time I was there.

Re-direct examination by Mr. Brown.

Int. 39. I want to ask you whether you think making over three dresses each year is an extravagant amount of work to be done in a family where there are two ladies — in your experience? A. They make over more in some families, and some do not make over at all.

Int. 40. Well, Mrs. Atwood and Mrs. Davis always lived, when you were there, in a frugal and economical way; isn't that so? A. Always, I think.

Int. 41. You never saw anything extravagant in their manner of living? A. Nothing at all. Always plain.

Int. 42. Either in the matter of table or the furniture of their house? A. Always furnished just as it is now; if you have ever gone there, you have noticed.

Re-cross examination by Mr. Carrigan.

Cr. Int. 47. Whether or not, when you were first spoken to in relation to this testimony, you didn't express yourself as having a dislike to going into the case? You didn't want to?

A. I didn't want to at all; and I told the gentleman who called on me afterwards that I would prefer not to.

Cr. Int. 48. And that you didn't want to go to Boston to testify in this case? A. No, I did not. My family objected to my going to Boston, and preferred that I should not come here. I thought if I was needed I was willing to come.

Cr. Int. 49. But there was no such remark made by you, that your testimony would not serve anybody, was there? A. No, sir.

Cr. Int. 50. And you did state that you didn't want to come to Boston? A. I think I stated that to you.

Cr. Int. 51. And didn't I state that unless it was necessary I would not trouble you? A. Yes, sir. And I made the same remark to Mr. Sargent, that I would prefer not to come. And I made the same remark to him this morning.

Cr. Int. 52. But no statement was made that your testimony would not be good for anything? A. No, sir.

Re-direct examination by Mr. Brown.

Int. 43. Well, after my friend Carrigan called on you he departed, and failed to say that he wanted to see you again in this case, didn't he? A. I don't think he said he wanted to see me. I expressed the hope that I would not be called upon.

Re-cross examination by Mr. Carrigan.

Cr. Int. 53. Did I state that I didn't want to see you? A. No, sir; I don't think you said anything of the kind.

Mr. BROWN. If he had he would have been very impolite.

The WITNESS. I should have been very sorry to have had him said so, when he says he had a pleasant call.

(Signed)

SARAH E. DOLLOFF.

Mr. BROWN. I will now read the deposition of Levi G. Towle. [Reading.]

DEPOSITION OF LEVI G. TOWLE.

Direct examination by Mr. Brown.

Int. 1. What is your full name? A. Levi G. Towle.

Int. 2. How long have you resided in Exeter? A. Thirty-two years.

Int. 3. What has been your business during the last ten years? A. I have kept a livery stable and a public house.

Int. 4. Do you one know one Joseph W. Palmer, who formerly drove hack for you in Exeter? A. Joseph S. Palmer. I think his name is.

Int. 5. Was there any other man by the name of Palmer who drove hack for you except the one referred to in your last answer? A. No, sir; I never had but one.

Int. 6. Do you know his reputation for truth and veracity here in Exeter? A. Yes; I think I do.

Int. 7. What is it? A. I should call it very bad, sir.

Int. 8. Was he discharged by you? A. He was.

Int. 9. For what? A. Well, his accounts were not very straight, I didn't consider.

Int. 10. Have you read his testimony given in this case? A. I have read part of it; I don't know but what I might have read it all; I have read part.

Int. 11. What is his reputation here as an honest man? A. Well, I should not consider it good.

Int. 12. Have you heard it commented upon by others? A. Yes, sir; I have.

Int. 13. Many times? A. At various times.

Cross-examination by Mr. Carrigan.

Cr. Int. 1. How long did Mr. Palmer work for you, Mr. Towle? A. I think about five years, the last time. He has worked for me at two different times.

Cr. Int. 2. What was his business? A. Driving hack.

Cr. Int. 3. Driving hack? A. Yes, sir, — to the depot and about town.

Cr. Int. 4. And in that business would he collect the fare? A. I presume he would.

Cr. Int. 5. And he worked for you five years, until you discovered — A. I think about five years.

Cr. Int. 6. Now, what did he steal from you? What specific thing did he ever steal from you? A. Money.

Cr. Int. 7. How much? A. I cannot tell you; I wish I could.

Cr. Int. 8. How do you know he stole it? A. Because I know my business fell off.

Cr. Int. 9. Do you think because a man's business falls off that is a sign that some one is stealing from him? A. I think it is pretty sure, if your business is as good as it has been, that there is a leak somewhere.

Cr. Int. 10. Will you give us the date when you first detected this man stealing? A. I think I detected him.

Cr. Int. 11. I want to know that. I want to know when? A. I cannot tell you; it is impossible to tell. I have no doubt he has been carrying this thing on for three years.

Cr. Int. 12. You don't know? A. I am satisfied.

Cr. Int. 13. That may be. I am satisfied a great many times about things, and yet have no knowledge. My question is this: Name the first day when you know this man stole a cent of money from you? A. Well, sir, I can't state the day; not exactly.

Cr. Int. 14. Then you don't know any day when this man stole anything from you? Can you name a day when this man stole a single cent from you? Say yes or no to that. A. I don't know what you consider stealing.

Cr. Int. 15. Well, you define it. Take the New Hampshire definition of it, if you choose. A. I will tell you one instance. He collected money here in town which he had no business to collect.

Cr. Int. 16. For you? A. Yes, sir; my livery business, — paid for me in good faith.

Cr. Int. 17. I am not asking about your business? A. This is my business.

Cr. Int. 18. Now, if you will follow me, I think you will understand me; and you look like an honest man. A. I would not answer to that.

Cr. Int. 19. Now, sir, this is the question: Will you name any time, give any date, when you know that this man stole money from you? A. Well, sir, —

Cr. Int. 20. Say yes or no? A. Then I will answer as nearly as I can. I cannot give you the date.

Cr. Int. 21. Then say no. A. I will put it within six months.

Cr. Int. 22. Within six months? A. Yes, sir.

Cr. Int. 23. Within the last six months? A. I will put it within six months; that I know.

Cr. Int. 24. Now, within the last six months you claim that he has stolen from you? A. Yes, sir.

Cr. Int. 25. Now name the month? A. Perhaps I cannot. I put a man on his track.

Cr. Int. 26. Very well. I want you to name the month. A. I don't know as I can, sir.

Cr. Int. 27. Can you name the month? A. I don't know when my man commenced work; if I did I could tell you exactly the date.

Cr. Int. 28. Can you name the month? A. It is within six months, I think. I know it was within six months.

Cr. Int. 29. How do you know it? A. I know because I detected him.

Cr. Int. 30. When? A. Within six months.

Cr. Int. 31. What month did you detect him? A. Well, various weeks.

Cr. Int. 32. I want one, I don't want a dozen; if you will give me one I will be satisfied. Was it in the month —? A. I don't recollect when he quit.

Cr. Int. 33. Was it in the month of December? A. If I remembered when he quit work I could tell you the month precisely.

Cr. Int. 34. I ask you this. You have a great deal of circumlocation, sir. I want you to point out one particular date, if you can, and I shall be very liberal with you. Point me out one month. You have stated that within six months he stole from you. I ask you to name a month in which that stealing was done? A. I cannot tell the month. I don't remember when he quit work for me; if I knew that I could tell you when this happened the last; but I was perfectly satisfied that I detected him. I gave him his orders to leave me.

Cr. Int. 35. Now wait a moment. Do you say that you can or cannot name the month in which you detected this man stealing? A. I cannot, sir, without referring to something so I can learn when he quit work.

Cr. Int. 36. Referring to what? A. When another man commenced work.

Cr. Int. 37. Have you a book of that kind? A. Well, I can find out.

Cr. Int. 38. I want to know if you have a book of that kind. Have you? Have you a book in which you have it inserted when this man stole from you, or some circumstance of which you have a record and by which you know? A. No; I have circumstances, but no record.

Cr. Int. 39. State the circumstances? A. I should first ascertain when he quit work.

Cr. Int. 40. You would first ascertain whether he was there or not? A. That I know; I am satisfied about that.

Cr. Int. 41. I want you to state the circumstances. You have put yourself in this position and I am going into it. A. All right; go ahead.

Cr. Int. 42. Very well. You state the circumstances when this man stole money from you. A. It is within six months.

Cr. Int. 43. I want you to tell me specifically when it was. A. That I cannot tell you exactly.

Cr. Int. 44. You cannot tell the exact day. You and this man had some family trouble, didn't you? A. No, sir.

Cr. Int. 45. Not a bit? A. Never a word.

Cr. Int. 46. Never a word? A. Never a word in the world, in any way, shape or manner.

Cr. Int. 47. You relieved this man Palmer from his duty. What do you mean by that? Has anybody taken Mr. Palmer's place? A. No, sir.

Cr. Int. 48. What is that? A. No, sir; no sir; yes, yes; took Mr. Palmer's place? Not until a month or six weeks after he left.

Cr. Int. 49. You have a man in his place? A. Yes, sir.

Cr. Int. 50. What is that man's name? A. John Leighton.

Cr. Int. 51. How long have you known him? A. For years.

Cr. Int. 52. For years? A. Yes, sir; quite a number.

Cr. Int. 53. This man's name is what? A. Leighton.

Cr. Int. 54. How long have you known him? A. Well, I have known him always. He was raised here a boy, and I should think he might be twenty years old.

Cr. Int. 55. How came you to employ this man Leighton? A. I employed him for that hack; I had but one hack.

Cr. Int. 56. Had he ever been on a hack until you employed him? A. I don't know that he had.

Cr. Int. 57. You have known him all his life. What has been his occupation? A. That I don't know; he has been out of town.

Cr. Int. 58. You don't know but what he has been in jail? A. I don't know but he has been in State prison.

Cr. Int. 59. But still you hired him as hack driver? A. Yes, sir.

Cr. Int. 60. Is that the only reason that you hired him? A. No; it is not any reason at all.

Cr. Int. 61. What other reason have you? A. No particular reason, only I wanted a man to work.

Cr. Int. 62. Whether or not he is any connection of yours by marriage or otherwise? A. No, sir.

Cr. Int. 63. Leighton? A. Leighton? No, sir.

Cr. Int. 64. Is not? A. No, sir; no connection of mine by marriage, or any other way, that I know of.

Cr. Int. 65. Now, Mr. Towle, whether or not you haven't stated in the town of Exeter to individuals that you considered this man Palmer an efficient driver of a hack and a competent man? A. I consider him a very good hackman; very, as far as getting passengers is concerned; and I think he is pretty smart in getting money.

Cr. Int. 66. And you think you have got your share of it, don't you? A. No, I don't; if I did I should have had him to-day.

Cr. Int. 67. Is not this the fact, that some little domestic infelicity which you are fully conversant with, was the reason you discharged him? A. Not a word.

Cr. Int. 68. Are you a man of family? A. Yes, sir.

Cr. Int. 69. How many children have you? A. Three.

Cr. Int. 70. Boys or girls? A. Girls and a boy.

Cr. Int. 71. How old is your girl? A. I have got one girl that I guess is about twenty-four — I think not twenty-four, — and the other one I guess is about twenty-two, — twenty-one or twenty-two.

Cr. Int. 72. Now isn't it true, Mr. Towle, that this Mr. Palmer left your employ and was not discharged? A. No, sir; he never left it until I told him to leave it.

Cr. Int. 73. You told him to leave? A. Yes, sir.

Cr. Int. 74. How long before he left? A. If you will let me go on and tell you the circumstances you will understand the whole thing in about three minutes without asking questions.

Mr. CARRIGAN. I prefer to ask them. I like to ask questions of you.

The WITNESS. I will answer if I can.

Cr. Int. 75. Now, sir, is it not a fact that instead of any stealing there was some little trouble between this man Leighton and this man Palmer? A. I don't know that I ever heard of a word of trouble in the world.

Cr. Int. 76. Is it not true? A. Never.

Cr. Int. 77. Is it not true? A. I don't know that they ever had any trouble in the world.

Cr. Int. 78. I want to ask you a question if you will allow me? A. I don't know as they had anything to do with one another there.

Cr. Int. 79. Is it not true that Mr. Palmer and you had some trouble, and it was not this stealing? A. Not a word, sir. We never had a word of trouble in any way, shape or manner.

Cr. Int. 80. You have stated that he is not a man to be believed? A. No, sir; I should not believe him.

Cr. Int. 81. You should not? A. Not without I knew the circumstances.

Cr. Int. 82. Will you name another man in Exeter that ever told you that he would not believe Mr. Palmer under oath? A. I don't know; it is general talk.

Cr. Int. 83. I want you to name one man? A. I could not.

Cr. Int. 84. Will you name one man in Exeter that you ever heard say they would not believe Mr. Palmer under oath? A. I don't recollect any particular man; there are any quantity of people.

Cr. Int. 85. Whether or not your feelings in this case are not prompted by some other motive than what you have stated? A. No, sir; not in the least. I will tell you Palmer and I never had any words of dispute, and we got along as well as any two men could in the world together; and he had his own way in a great many things that he hadn't ought to. He run the hack until I found he was running me into the ground, and, by God, he would, if I hadn't caught on.

Cr. Int. 86. When did he begin to do this? A. I have no doubt two or three years ago.

Cr. Int. 87. You have no doubt? A. I have no doubt; but I had no means of proving it.

Cr. Int. 88. Then you have no knowledge? A. I put on a man on the hack to catch him, and he did catch him.

Cr. Int. 89. Who was the man? A. Watson.

Cr. Int. 90. He is a reputable man, is'n't he? A. I don't know; he has always told the truth to me. I don't know anything further.

Cr. Int. 91. You don't know anything about his reputation? A. Yes, I know it.

Cr. Int. 92. What is his reputation in this town? A. I don't know why it is'n't good.

Cr. Int. 93. Is it any better than Palmer's? A. I should consider it better.

Cr. Int. 94. Didn't you go upon the rule of putting on a thief to catch a thief? A. No, sir.

Cr. Int. 95. What? A. No, sir.

Cr. Int. 96. What rule did you go by? A. I put him on to catch a thief if he could.

Cr. Int. 97. Then you put on an angel to catch a thief? A. I put on one honestest than Palmer.

Cr. Int. 98. But still you cannot give the date when you did detect this man in any stealing? A. I tell you he has been carrying it on—

Cr. Int. 99. I understand, that is general; but I want you to point out some particular day? A. I don't put it on any day.

Cr. Int. 100. Why didn't you enter a complaint to the authorities, if that is the case? A. If what is the case?

Cr. Int. 101. That this man was a thief? A. Because I had no way to prove it.

Cr. Int. 102. Then you had no knowledge about it, did you? A. It is a pretty hard thing to prove it.

Cr. Int. 103. Wait a minute. I presume you are a law-abiding citizen here? A. I don't know.

Cr. Int. 104. You believe in having men get their deserts? A. I do; and I believe he will get it.

Cr. Int. 105. If you knew a man was a thief, wouldn't it be your duty to go to the authorities here and make a complaint? A. Yes; but you would have to have some evidence.

Cr. Int. 106. Did you go and make a complaint against Palmer? A. No, sir.

Cr. Int. 107. Why? A. Because I could not furnish the evidence. I had to put on a man, and when I caught him and satisfied myself, I told him to get out of my employ.

Cr. Int. 108. Why, then, didn't you go to the authorities with this complaint? A. Because I could not back it up with evidence.

Cr. Int. 109. What evidence? A. I could not get it.

Cr. Int. 110. Get what? A. Evidence.

Cr. Int. 111. How did you know he had been stealing? A. Because my money fell short. Damn it, that will tell me; when my money don't come in and I am watching my business, and know my business is as good as it ever has been. The pocket will tell.

Cr. Int. 112. There is no question but what the pocket will

tell; but are there not other men in this town whose business has fallen off and yet they keep their employes? A. I don't know but there are. I have as much as I want to do to attend to my own business.

Cr. Int. 113. Then all you have to say is that you had a suspicion that your business was falling off, and on account of this deficit and that suspicion alone you discharged him? A. Nothing else. He and I never had a word of dispute.

Cr. Int. 114. Then you don't know of your own personal knowledge anything against him? You don't know that he is a thief, do you? A. Yes, I do.

Cr. Int. 115. Where is your proof? A. I have told you.

Cr. Int. 116. You say you know he is a thief? A. Yes, sir.

Cr. Int. 117. How do you know it? A. Because I put a man on driving, a perfect stranger, who didn't know anything about hacking at all, a perfect green man at this depot, and he turned in double the money that he did, after Palmer had driven for me three or four years. He turned in double the money; Palmer didn't know how much he took.

Cr. Int. 118. Let me ask you one question in conclusion: You charge this man Palmer with being a thief? A. Yes, sir.

Cr. Int. 119. You claim that he is not a man to be believed? A. Yes, sir.

Cr. Int. 120. Now, I ask you this one question — and I repeat it so you may understand it — can you name one man in the town of Exeter who has ever told you that he would not believe this man Palmer under oath? A. I don't know as I have heard a man —

Cr. Int. 121. Say yes or no. A. I don't know as I have heard a man use those words; I don't know as I have heard any man use those words; but his general reputation is —

Cr. Int. 122. You are talking about reputation. Let me ask you this. What do you understand by a man's general reputation? A. Well, I don't consider a dishonest man's reputation very good, not after I find him out.

Cr. Int. 123. And yet, may there not be men in this community who are living a comparatively honorable life, and yet somebody may know something against them; and those men are regarded by the public as honest men, are they not? A. They be, until they are found out.

Cr. Int. 124. Now, for your own benefit as well as for Mr.

Palmer's — because it seems to me you put yourself in a ridiculous place here — A. I don't know but what it is.

Cr. Int. 125. I want you to state whether or not any man in the town of Exeter — and, if so, I want the man's name — ever told you they would not believe this man under oath? You can answer yes or no. A. I have answered that question.

Cr. Int. 126. How do you answer? A. I have told you I don't know that I ever heard any man use those words.

Cr. Int. 127. That disposes of his veracity as far as you know. Now the question of his integrity: You charge this man with being a thief. Now I ask you, can you recall any date or any circumstance or proof which leads you to the conclusion that this man is a thief, or is it just simply your own suspicion? A. I have told you. I have answered that question.

Cr. Int. 128. Answer it again. A. I will answer it again. I put a man on —

Cr. Int. 129. I want you to answer me yes or no. A. Yes or no what?

Cr. Int. 130. Answer me this question: Have you ever detected Mr. Palmer in thieving? A. Yes, sir.

Cr. Int. 131. Well, when? A. When I told you.

Cr. Int. 132. When? A. After I put a man on.

Cr. Int. 133. That is not detection. I want you to tell me whether you ever detected this man Palmer in stealing? Did you? A. Well, I don't know what you style stealing.

Cr. Int. 134. Did you ever see him take money from you? A. No, sir.

Cr. Int. 135. Did you ever see him take money from anybody else? A. No, sir.

Cr. Int. 136. Anything that didn't belong to him? A. No.

Cr. Int. 137. Did any man ever tell you that he did so? A. You don't consider it thieving if a man goes and collects your money without authority? What do you call that?

Cr. Int. 138. From whom? A. A lady here in town. He went and collected it.

Cr. Int. 139. From whom? A. I forget now; a lady up on Lincoln Street; I don't recollect her name this morning.

Cr. Int. 140. I want you to tell me the name. I want you to tell me the name, and I don't want any assistance from anybody else — of any person in this town of Exeter that this man ever stole money from or ever collected money from without au-

thority? A. He collected a bill for riding, for horses and carriages, that he had no authority to. He didn't know what the bill was. He went to her, he called on her for the money, and she paid it — that is, a portion of the bill. He said nothing to me about it and I knew nothing about it. And I made up my account last December and took the bill off and sent it to her. She said she had paid Palmer seven dollars of it. That is the first I knew about it.

Cr. Int. 141. You don't know the lady's name, do you?

A. A lady on Lincoln Street.

Cr. Int. 142. You don't know her name, do you? That is an important thing. How do you know but that the lady was a liar. A. I don't know but she was. They may be all liars. I should take her word before I should Mr. Palmer's.

Re-direct examination by Mr. Brown.

Int. 14. You didn't discover that this money had been collected until after Palmer's discharge, did you? A. No, sir; I knew nothing about it until I sent up the bill to her.

Int. 15. After you discharged Palmer how long was it before he left Exeter? A. He was about here, I should think, six weeks, perhaps.

Int. 16. Then he went to Boston? A. He went from here to Boston, so I understand.

Int. 17. Then when was the next thing you heard about him? A. I heard of him occasionally. People have told me of meeting him on the street in Boston; but I have not heard much about him until I saw his name in the paper.

Re-cross examination by Mr. Carrigan.

Cr. Int. 143. Have you ever been asked to go to Boston to testify in this case before to-day? A. Never, sir.

Re-direct examination by Mr. Brown.

Int. 18. You have no objection, Mr. Towle, to going to Boston if you are wanted, have you? A. Well, I should go, I suppose.

(Signed)

LEVI G. TOWLE.

Gov. BUTLER. That was one of the depositions that need not have been taken, because he would have come.

Mr. BROWN. Well, I thought I would take it, seeing I was

up there ; that was all. Mr. Carrigan didn't have enough to fill in the time until the train went. I will now read the deposition of James T. Sawyer. [Reading.]

DEPOSITION OF JAMES T. SAWYER.

Direct examination by Mr. Brown.

Int. 1. What is your full name? A. James T. Sawyer.

Int. 2. What is your business? A. Engineer in this cotton mill.

Int. 3. How long have you been employed there? A. I am going on my eleventh year.

Int. 4. Do you know Mr. Palmer who for several years was engaged as hack driver for Mr. Towle, who has just left the stand? A. I do.

Int. 5. Do you know him pretty well? A. Well, I have been acquainted with him ; I don't know as I could say just how long ; perhaps five or six years.

Int. 6. Did you ever live in the same building where he did? A. I did. I occupied one-half of the house and he the other.

Int. 7. That is, he in one end and you in the other? A. Well, it was all separate excepting one room ; to get to that one room I had to cross the hall of his ; otherwise, we were not connected.

Int. 8. Do you know what was his reputation here in Exeter for truth and veracity? A. Well, I have heard people remark he was a liar.

Int. 9. You know his reputation, do you? A. I do.

Int. 10. What was it? A. I considered it very bad.

Int. 11. Did he enjoy the reputation of being an honest man? A. Well, as I said, I have heard people make remark that he was a liar.

Int. 12. Aside from being an untruthful man, did he enjoy the reputation of being an honest man? A. I suppose to be a truthful man he should be an honest man.

Int. 13. How about his appropriating other people's property? Did he have any reputation in that regard? A. I could not say anything about that.

Cross-examination by Mr. Carrigan.

Cr. Int. 1. How long have you resided in Exeter, sir? A. It was sixteen years ago last February, I think, that I came here first, and I have been away in that time, at different times,

I think it would perhaps make three years ; I don't know but a little more than that. I lived a time in New Market, and I lived a while in Salisbury, Mass.

Cr. Int. 2. You have stated that you think Mr. Palmer enjoys the reputation of being a liar in this town? A. I have heard it said so. I have heard people make that remark.

Cr. Int. 3. Now name one man who said so? A. W. H. Belknap.

Cr. Int. 4. Who is W. H. Belknap? A. He is, or was, town clerk ; I cannot say that he is town clerk.

Cr. Int. 5. A Republican town clerk? A. I presume he is.

Cr. Int. 6. Now state under what circumstances it was that this gentlemen told you this? A. He commenced a conversation about a paper he witnessed, and he said : " I don't want you to think that I had anything to do with that paper personally except so far as I was officially obliged to have."

Cr. Int. 7. What was the paper? A. It was a writ or warrant.

Cr. Int. 8. A writ and a warrant? A. It was a writ or a warrant.

Cr. Int. 9. Was the same served on you? A. Yes, sir.

Cr. Int. 10. That is quite entertaining at this point. State whether or not you were taken into the police court on that? A. I was.

Cr. Int. 11. And you were convicted? A. I was fined one dollar.

Cr. Int. 12. Were you convicted? A. I suppose I was.

Cr. Int. 13. Now, Mr. Sawyer, whether or not you haven't had some trouble with Mr. Palmer? A. I did have a little trouble.

Cr. Int. 14. Whether or not you haven't a personal grievance against him? Do you love the man? A. No, sir ; I don't.

Cr. Int. 15. Do you have a personal spite against him? A. I have.

Cr. Int. 16. You don't enjoy him at all? A. No, sir.

Cr. Int. 17. You practically hate him? A. I do.

Cr. Int. 18. You are practically prejudiced against him? A. Well, only so far as that usage is concerned.

Cr. Int. 19. And you have said you meant to get square with him? A. I don't know,

Cr. Int. 20. Will you swear that you haven't said that you will make yourself even? A. I would not state one way or the other.

Cr. Int. 21. Will you swear that you haven't stated to people in Exeter that you would get even with him? A. I don't know that I never said so.

Cr. Int. 22. Will you swear you didn't? A. I would not swear one way or the other.

Cr. Int. 23. I don't think you will. Now, Mr. Sawyer, who was the plaintiff in this case, or complainant? A. Mr. Palmer.

Cr. Int. 24. You were convicted, were you not? Mr. Palmer was the complainant, was he? What was the trouble? You may state it all. The court found you guilty, didn't it? A. It did. He and I lived in the house together, and he kept a pretty bad house. It was carousing and noise all through the night, and some nights it was all night long. And I complained to the agent or clerk of the owner, Mr. Blanchard. The owner was a man by the name of Fitz. And I complained to him; or, rather, first I notified him that I would leave the house in thirty days. He asked me why I was going to leave, and I told him I would not live in the house if Palmer stayed there; and he said Palmer should leave, if that was the case.

Mr. CARRIGAN. Never mind what he said.

The WITNESS. I told him under those circumstances I would stay there. Every time he came for his rent I would remind him of his promise to have Palmer leave; and finally he had papers served on him, notice to quit the premises.

Cr. Int. 25. How do you know that; did you see the papers? A. No, sir. I was going to state that I understood so and that Palmer told me so.

Cr. Int. 26. You don't know it? A. Only what Palmer told me; and it may not have been true.

Cr. Int. 27. He told you, and that you believed? A. I could not have believed it only for the circumstance that Blanchard told me that he should. He came down to the mill and he said that I had been trying to get him out of the house, and if it hadn't been for that wife of mine, who was a d—d black bitch and a d—d whore, there would have been no trouble.

Cr. Int. 28. You stated that? A. He stated that, and upon that I started a little blood out of him.

Cr. Int. 29. You started a little blood out of him? A. Yes, sir.

Cr. Int. 30. And you were convicted for striking him. Now, that was not the first time you have been convicted? A. It was not.

Cr. Int. 31. No, was it? Will you swear that you were never convicted in any court before? A. I never was.

Cr. Int. 32. Sure about that? A. Yes, sir.

Cr. Int. 33. Will you swear that you were not in jail at Portsmouth? A. Yes; I will.

Cr. Int. 34. Will you swear you were not? A. Yes, sir. I consider your question an insult.

Cr. Int. 35. You do? A. Yes, sir.

Cr. Int. 36. What kind of a question, do you think, would not insult you? A. Have you any reason to believe I was in jail? Did you ever hear that I was?

Cr. Int. 37. I am examining you. I asked you the question; you can deny it. A. I never was in jail in Portsmouth.

Cr. Int. 38. Or anywhere else? A. No, sir.

Cr. Int. 39. But you were arrested here? A. I was.

Cr. Int. 40. And you swear that you were never in court on any complaint but once? A. That is the only time.

Cr. Int. 41. Never convicted but once? A. No, sir.

Cr. Int. 42. Now, Mr. Sawyer, by whom have been employed in this town? A. For the Exeter Manufacturing Company. The agent is Harvey Kent: I do my business for him.

Gov. BUTLER. How much longer will it take you?

Mr. BROWN. I have seven or eight pages yet to read.

Gov. BUTLER. You may go on reading if you will let me step down stairs a few moments.

Mr. BROWN. [Reading.]

Cr. Int. 43. Are you working for him now? A. I am.

Cr. Int. 44. When did you first have any conversation with anybody about this case? A. Which?

Cr. Int. 45. This Tewksbury matter; coming in here and trying to impeach Mr. Palmer? A. I never heard of it until to-day.

Cr. Int. 46. Who was the first man who spoke to you about this? A. I don't see the man here.

Cr. Int. 47. Was it Mr. Sargent? A. Mr. Sargent — I think it was.

Cr. Int. 48. Is he a resident of Exeter? A. I don't know where he lives.

Cr. Int. 49. Whether or not, if you were invited, you would go to Boston and testify in this case—go before the committee? A. At what time?

Cr. Int. 50. At any time. Have you been invited to go to Boston and testify before this committee? A. I have.

Cr. Int. 51. Who invited you? A. I think Mr. Sargent.

Cr. Int. 52. When did he do it? A. This afternoon.

Cr. Int. 53. But before this afternoon has anybody ever spoken to you about going to Boston? A. No, sir.

Cr. Int. 54. And you have never refused to go to Boston? A. Well, conditionally, I told him—it was an agreement that I should not leave my work to go away, except in case of sickness or death, when the agent was away. He is away now, and I should not leave under any consideration, except in the cases mentioned, when he is away. It is agreed that I should not, except for a short time—for half an hour or such a matter.

Cr. Int. 55. Now, is there any other man in the town of Exeter that you will swear you have heard state that he would not believe Mr. Palmer under oath? By the way, did this town clerk tell you that he wouldn't believe him under oath? A. He did not say that he would not believe him under oath.

Cr. Int. 56. Now, has any person in Exeter, or elsewhere, told you that he would not believe Mr. Palmer under oath? A. I don't know that I have heard anybody use those words.

Cr. Int. 57. And as far as you know, except among your own associates, Palmer is an honest man—as far as you know? A. No, sir.

Cr. Int. 58. What do you know against him? A. I know what he has told me.

Cr. Int. 59. But what has anybody else told you? Name a man in Exeter that ever told you that he didn't believe Mr. Palmer to be an honest man, other than perhaps Mr. Towle? A. He didn't say he was not an honest man. He said he was a liar. I cannot name any other.

Cr. Int. 60. Name the whole town if you can? A. I could not name the whole town.

Cr. Int. 61. If you are a truthful man I should just like to take down the check list and see if it is true. We don't want Mr. Palmer unless he is a truthful man to be believed? A. I could not name a great many, of course.

Cr. Int. 62. When Mr. Sargent spoke to you to-day what was the conversation? A. He said he wanted me to come over here — I didn't understand to what office.

Cr. Int. 63. Did you understand what you were to come here for? A. He wanted me to testify in relation to what I knew about Palmer.

Cr. Int. 64. And you were very willing to come, were you not? A. No, I don't know; I had no particular objection, of course; but if I had said I would not come I don't know as there was any way of bringing me here — I don't know that there was.

Cr. Int. 65. Didn't they serve a notice on you? Did they give you a subpoena? A. I had no written notice.

Cr. Int. 66. Didn't they read anything to you? A. No, sir.

Cr. Int. 67. Then you didn't come here by subpoena, did you? A. No, sir.

Cr. Int. 68. You came here of your own free will, didn't you? A. He asked me if I would come over.

Cr. Int. 69. Did he pay you anything for it? A. He has not.

Cr. Int. 70. He has not yet. And up to this time you haven't had any subpoena read to you, had no copy served on you, no fee for a witness, and you are here without a fee? A. I am.

Cr. Int. 71. Then you are here as a very willing witness? A. Yes, sir.

Re-direct examination by Mr. Brown.

Int. 14. You were asked to tell the trouble you had with Palmer. You say that he lived in one end of the house and you lived in the other. Did he keep a house of ill fame in his end? A. I could not swear to it.

Int. 15. What was the reputation of it? A. Well, there was noise there; I don't know whether you would call it a house of ill fame, or what it was.

Int. 16. Was he living with his wife? A. I don't know who the woman was. There were people there sometimes. I should think there might have been two couples and sometimes three couples of men and women. At nine or ten o'clock they went to different rooms in the house; for what purpose, I don't know.

Int. 17. Did they stay there long? A. Well, I would not

know; I would not hear them go away; I would probably be asleep.

Int. 18. You don't know who they were? A. No.

Int. 19. Did they come in hacks? A. I could not tell you how they came.

Int. 20. Did you have any other trouble with him that you recall? Do you recollect whether your wood pile grew small?

A. Well, I never accused him of taking my wood or coal. I had no proof against any one. I knew some one came into the shed and took it, but I could not say whether it was him or some other person. I had no means of knowing, except that I knew that some one took it.

Int. 21. You never knew him to buy any wood, did you?

A. Well, he had wood, but I never saw him paying for any.

(Signed) JAMES T. SAWYER.

TESTIMONY OF CHARLES B. MARSH (*recalled*).

Direct examination by Mr. Brown.

Q. [Producing a register.] I want to ask you, Mr. Marsh, if that is the register of visitors? A. That is the register of visitors.

Q. How long has that been at the institution? A. I should say I found it there when I went there.

Q. That is, in 1869. Just read the first date in it. A. The first date is September 11, 1863.

Q. That is, about six years before you went there. And has that been there continuously since you have been there?

A. Yes, sir; on the table, in the office.

Q. What is the entry of the last visitor? A. Annie T. Fay, I should think it was; on the 25th of June, 1883.

The CHAIRMAN. I wish you would have the register of births and deaths brought up, if it is not here. We will take a recess for ten minutes — ten minutes for refreshments.

[Recess.]

TESTIMONY OF FRANCIS B. RECORDS (*recalled*).

Direct examination by Mr. Brown.

Q. Mr. Records, have you been examining the bills in the auditor's office? A. I have, sir.

Q. And have you made a list of all the bills, commencing with 1860, found in the auditor's office; or, if not, what bills

have you made a list of? A. I have made a list of bills for repairs, special appropriations for buildings, — additional buildings; lumber, crockery, —

Q. Well, everything outside of what? A. Nearly everything outside of food for men and animals, and clothing. I have put in bedding, — all those things I knew were for bedding. Some things were not described so I could tell whether they were for sheets or for shirts. Those I supposed were for sheets, I have put in; also for fuel and lights.

Q. And you commenced with 1860? A. 1861, I think it was.

Q. 1861. And brought it down to what time? A. I am now down to 1882 — through 1881.

Q. [Referring to sheets of paper.] And these are the sheets, are they? A. Those are the sheets.

Mr. BROWN. I called Mr. Records because I had no other witness present at the time.

Q. You can go on and complete the sheets, — you can by Monday, can't you? A. Yes, sir.

Mr. BROWN. You can complete them down to the first of January, 1883, and then we will put them in. If you will just mark each of them in the order in which they come with your initials, so that when they are put in we can identify them.

Gov. BUTLER. I will embrace the opportunity to ask Mr. Records a question or two.

Direct examination by Gov. Butler.

Q. Have you looked over these books, at Tewksbury, of the trustees? [Trustees' records.] A. Yes, sir; I have looked over some of them.

Q. You find that the trustees did important business with only one man there? A. Oh, there was one meeting where they approved bills, etc., and went through the usual form.

Q. Went through the usual form of a meeting. What time was that, sir? Is this [a memorandum] your memorandum? A. That is in 1871.

Gov. BUTLER. Have you the trustees' books? Let us see what they did in July, 1871. [Referring to a volume of trustees' records and reading.]

JULY, 1871. — Present at this meeting, F. H. Nourse. The bills for June were examined and all found receipted. The foregoing

schedule of bills presented by the superintendent was examined and approved.

(Signed)

THOS. J. MARSH, Jr., *Clerk.*

Mr. BROWN. What is that month?

Gov. BUTLER. July, 1871. Now, January, 1875. [Reading.]

[Copy.]

JANUARY MEETING, 1875,

COMMONWEALTH OF MASSACHUSETTS.

BOARD OF STATE CHARITIES,

GENL. AGT'S DEPARTMENT,

STATE HOUSE, BOSTON, January 14, 1875.

Hon. FRANCIS H. NOURSE,

Chairman Inspectors State Almshouse, Tewksbury, Mass.

DEAR SIR: — I was at Tewksbury to-day, and was informed by one of the inmates that the night nurse of the hospital threw a pail of water upon her, drenching both bed and personal clothing while she, the inmate, was lying in bed.

The attention of the superintendent was called to the matter, and from his answer I inferred that there could be no doubt about the drenching. He also informed me that he had reported the facts to the inspectors.

My purpose in writing is to insure an investigation by the Board of Inspectors, and to record as my deliberate judgment that a person who allows her passions to attain such mastery as permits the throwing of a pail of water upon a bedridden patient, is unfit for the position of nurse.

Very respectfully,

Your obt. servt.,

(Signed)

S. C. WRIGHTINGTON,

General Agent State Charities.

“On motion of Mr. Elliot, action on the foregoing communication from the general agent was postponed until Friday, 5th proximo, at nine o'clock, to which time the meeting adjourned.”

Then, at a special meeting, February 5 — [Reading.]

“Mr. Nourse presented a communication received from the general agent of the board of state charities, Jan. 14th ult., in reference to a complaint made by Helena Reardon against Mrs. Pasho, night nurse, and, on motion of Mr. Safford, voted, That the same be placed on file.”

“The board of inspectors, having made full and careful investigation of the complaint of Helena Reardon against Cath. M. B. Pasho, hospital nurse, for improper and abusive treatment received from said Pasho, find —

"That Mrs. Pasho is not guilty of any abusive treatment of said Reardon, although she may have been excited by the insubordination of the patient to hasty language, and that the patient is guilty of insolent and insubordinate conduct to the nurse, specially calculated to irritate and provoke; and we further find, after all the evidence, that Mrs. Pasho has been uniformly kind and attentive to those under her charge.

"On motion of Mr. Elliot, voted, That the clerk be instructed to send a copy of the above action to Mr. Wrightington and to Mrs. Pasho.

"On motion of Mr. Elliot, and on the recommendation of the superintendent, voted, That the compensation of Mrs. Pasho be increased to \$21.00 per month from Feb. 1."

They had found out her virtues. And the following communication from the board of state charities was received. — this was the insane department, I believe: —

"Voted, That the inspectors of the State almshouse be asked to meet the board at an early date for a conference as to the management of the insane department of the almshouse, with special reference to the commitment of patients thereto, and the keeping of the registers of the department."

That is all there was done with that. Now, let me see again, "Special meeting, Feb. 11, 1875." [Reading.]

"On motion of Mr. Elliot, voted, That the superintendent be authorized in an emergency to place stoves in any of the inmates' apartments, whenever, in his opinion, the comfort of the inmates require it."

And then, after a conference with the board of charities, it was voted, —

"That persons originally committed to the State almshouse shall be transferred to the asylum for the harmless insane by the written order of the general agent of the board of State charities, on certificate of the physician to the insane; and no person once entered on the register of the asylum for the harmless insane shall be transferred to another institution except to a State lunatic hospital."

Then, May 14, 1875, special meeting. [Reading.]

"The report of the committee appointed to investigate and report the facts in regard to the confinement of certain insane inmates for refusal to labor, having been presented and read by the chairman, Dr. Whitaker, and having been accepted,

"Voted, That we are still of the opinion heretofore informally expressed, that such confinement was injudicious, and merits our disapproval; and that the cells in the almshouse, used at the time, were unsuitable for the confinement of any of the female inmates, except for a short time, in cases of great emergency; but that we believe that Dr. Whitaker, in his treatment of these patients, was actuated solely by a desire to promote their well being, and not with any purpose of punishing them for a disobedience of his rules, and that his error was one of judgment solely.

"Voted, That the physician of the insane hereafter report monthly in writing, to the superintendent, all cases of insubordination and disorderly conduct in his department, with a statement of the measures of discipline or coercion used therein, and that the superintendent report the same to the inspectors."

[Referring to another record.] Well, I shall want to put in some more evidence before I put that in. You keep that in my mind. That is all, Mr. Records.

Mr. BROWN. That is all, Mr. Records.

TESTIMONY OF EMMA F. KIMBALL (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Emma Frances Kimball.

Q. Have you counted the number of signatures in that register of visitors at the Tewksbury almshouse? A. Yes, sir.

Gov. BUTLER. We haven't got the name of the witness.

Mr. BROWN. Emma F. Kimball.

Q. Just read off the number in each year. A. In 1863, 572; in 1864, 1,486; in 1865, 1,586; in 1866, 903; in 1867, 581; in 1868, 606; in 1869, 807; in 1870, 628; in 1871, 416; in 1872, 235; in 1873, 343; in 1874, 1,198; in 1875, 957; in 1876, 941; in 1877, 718; in 1878, 517; in 1879, 603; in 1880, 361; in 1881, 352; in 1882, 389; in 1883, 561.

Q. Making the total number of signatures in the book, how many? A. 14,755.

Q. You have counted every signature in the book, have you? A. Yes, sir.

Q. And that is the record you made at the time you counted them? A. Yes, sir.

Cross-examination by Gov. Butler.

Q. Are you engaged at the almshouse? A. No, sir.

Mr. BROWN. She is a clerk in my office.

Gov. BUTLER. That is all.

TESTIMONY OF CHARLES B. MARSH (*recalled*).*Direct examination by Mr. Brown.*

Q. Have you examined the registers of inmates and made up the record of Mary Tyner? A. I have examined the registers at the State House, but I have not examined the one I have opened at the institution since the books were sent down.

Q. Well, now I want you to give me the record of Mary Tyner as it stands on the books of the institution, that is, the books that have been sent here, showing when she entered, when she was discharged, and what was her condition when brought in in each case. A. The first entry I find is No. 32,193; admitted December 23, 1868; sentenced to the state workhouse at Bridgewater March 24, 1869. She was then in a family way.

Q. Take the next. A. No. 38,138; admitted January 9, 1872, discharged May 6, 1872; child three years old; child went with her.

Q. Take the next. A. No. 38,725; admitted May 18, 1872; absconded July 18, 1872. Then No. 59,311; admitted March 31, 1880; discharged May 4, 1880. No. 62,424; admitted August 4, 1881; discharged October 12, 1881. No. 63,483; admitted October 26, 1881; discharged February 8, 1882. No. 65,261; admitted July 27, 1882; discharged February 7, 1883. No. 67,285; admitted March 9, 1883; discharged March 21, 1883. And there are one or more admissions since.

Q. That is, since March, 1883, she has been admitted and discharged once or twice? A. Yes, sir. She is not at the institution at present. She was discharged two weeks ago.

Gov. BUTLER. That is Mary Tyner or Tynan? She is the woman that French Joe talked about?

Mr. BROWN. Yes, sir.

Q. Now, I notice that No. 38,725 was admitted May 18, 1872, and absconded July 18, 1872. And then the next entry is No. 59,311, admitted March 31, 1880. Then I understand this; that so far as the books of the institution are concerned, it does not appear that she was an inmate from July 18, 1872, down to the 31st day of March, 1880 — nearly eight years? A. No, sir.

Gov. BUTLER. Do you say she was or was not there?

Mr. BROWN. I say she was not. Well, now there is one

other matter about which I wanted to examine Mr. Marsh, but he has not been able to get hold of the books to make the examination.

Gov. BUTLER. I have not hindered you.

The WITNESS. The book didn't happen to be in the room when I was there.

Gov. BUTLER. I want to ask you a single question or two about Mary Tyner or Tynan.

Cross-examination by Gov. Butler.

Q. She was a notoriously licentious person, I suppose? A. That was the reputation she enjoyed.

Q. What was the occasion for these discharges? A. She would simply ask for her discharge, like any other inmate, and she was discharged.

Q. Then she would go out and pursue her trade until she got into condition she could not go any longer? A. I don't know what she did when she was out, sir. She came in, generally, in bad condition.

Q. Has her friend Mr. Joseph Howard gone? A. He has left us.

Q. Was he discharged? A. He was discharged.

Gov. BUTLER. I believe that is all, sir.

Mr. BROWN. There are some other questions I wanted to ask Mr. Marsh, but he is not prepared to testify, because he has not had a chance to examine the books. [To the witness.] I wish you would examine them for Monday morning.

The-CHAIRMAN. Anything else, Mr. Brown?

Mr. BROWN. I had summoned a witness from Gloucester, but for some reason he has not put in an appearance. With that exception I have no other witness. With the exception of a single question I want to ask Mr. Marsh, and a question I want to ask Mr. Haskell of Gloucester, I have not anything further.

The CHAIRMAN. Governor, you say you have one witness that you can put on to-day.

Gov. BUTLER. Yes, sir: he was here. Is Bernard O'Kane here?

Mr. O'KANE. Yes, sir. I would like to ask the chairman the privilege of saying a word of explanation before being sworn.

Gov. BUTLER. Wait a moment. Not now. You will be sworn first.

[The witness was sworn.]

TESTIMONY IN REBUTTAL.

TESTIMONY OF BERNARD O'KANE (*sworn*).*Direct examination by Gov. Butler.*

Q. What is your age, Mr. O'Kane? A. Fifty-four.

Q. And when were you in Tewksbury? A. I went there in February, 1861.

Q. How do you know that? Have you any memorandum of it? A. I have made a memorandum of it.

Q. From February 11, 1861, to September 30, 1861? A. I got this from the report.

Q. You went Feb. 11 and stayed until September? A. Yes, sir.

Q. What was your position? Who recommended you? A. Governor Andrew.

Q. And what was your position there? A. Well, I was set down as assistant superintendent.

Q. As what? A. Assistant superintendent.

Q. Did you leave there of your own accord? A. I did, sir. I was leaving there every month to come down to get a position in the custom house.

Q. That is to say, you had been for some months looking for a position in the custom house? A. Yes, sir; it was the understanding when I went there. I will repeat to you what Governor Andrew said. He said: You go up there, and if the man that I want appointed collector is appointed, you shall have the place you wish.

Q. Did you leave there willingly? A. I left there willingly, and I got a very nice recommendation from Capt. Marsh, voluntarily offered.

Q. A nice recommendation, to be used in getting your place at the custom house? A. It was a general one.

Q. Where is it now? A. I have lost the paper. In looking over my other documents I could not find it.

Q. While you were in the institution I want to ask you if you were in the habit of getting drunk, or if you were discharged for intoxication? A. No, sir. There was no liquor in the institution to my knowledge. Never was a word uttered, or an insinuation made of that kind, to reach me in any official way. I heard there were such insinuations made here the other day. That is what brought me up here.

Q. You came to me. Do you remember writing a letter to Governor Rice, or to some governor or board of state charities, about what complaints were made to you? A. I did write a letter at the time there was a former investigation going on. I don't remember the contents of it.

Q. Well, we have it here, — stating certain complaints. Were you ever called upon by anybody to make good those complaints? A. No, sir; never heard from them.

Gov. BUTLER. The O'Kane letter was one of those that Mr. Nourse reported about — that this man was discharged for intoxication.

Q. Well sir, how long did you stay in the custom house then? A. I came down from Tewksbury on the first of October, I believe, 1861, and I followed up the application with great pressure; and I have some letters here that will show my efforts; and I got appointed.

Q. Did you get letters from prominent men that knew you? A. Yes, sir.

Q. And you have them here to show? A. Yes, sir.

Q. Well, you got into the custom house; how long did you stay? A. I got appointed February 5 or 7, 1862, about three months after I left Tewksbury.

Q. How long did you stay there then? A. I stayed there from that time until about the middle of April, 1867.

Q. Was there a change then and did you have to get out? A. Judge Russell came in as collector.

Q. And you went out? A. To make room for a one-armed soldier. I have got a letter here.

Q. Let us see what you went out for? A. This letter comes in a roundabout way from Sam Hooper.

Q. He wanted to know why you were discharged?

Mr. BROWN. From where?

Gov. BUTLER. From the custom house.

[Letters produced by witness.]

Q. The object of your removal was to make room for a one-armed soldier. A. Yes, sir, that was the reason given to me; but Judge Russell wrote to Mr. Sam Hooper that I was discharged for opposing the Republican party. I have got it here in another letter.

The CHAIRMAN. That is cause, anywhere.

Q. It appeared in the department that you were discharged to make room for a one-armed soldier, and then the other letter

was the other way. When did you get back again into the custom house? A. I got back again Feb. 18, 1881. In the meantime I held other offices. I was revenue inspector in the third district for two years — for nearly two years. I held three commissions: Lading officer, officer to take charge of spirits in bond, and then regular inspector.

Q. And now you are — ? A. Now I am at large again.

Q. Since when? A. Last Sunday morning.

Q. You held office up to last Sunday morning, which was July 1st. Whether you having been there, — whether there was complaints made to you: that is, people that had been at the almshouse came there and told you what had happened.

MR. BROWN. I pray the judgment of the committee.

GOV. BUTLER. I am ready to have the judgment of the committee. It was quite as good as the old lady's statement to the Austin Farm doctor.

MR. BROWN. My objection is that it is not in rebuttal. If the committee want to go in *de novo* into these charges, and let me have a chance to answer again for a series of days, that is one thing; but if the committee don't intend to do that I think we should shut the door now. He has met the issue, which is all that is required in rebuttal. He has denied the statement made by Mr. Nourse, as far as it appears from the record, and the letter, etc., and I submit that that is as far as you should go.

GOV. BUTLER. I don't care so much about this; but I want it distinctly understood that anything that tends to contradict the defence is rebuttal — or the defendant's witnesses. I think if there is anything in the world undertaken to be proved here in defence — I might go back a moment. I didn't undertake to put in, in presenting the evidence, the complaints made to other people. I didn't believe it to be evidence then. But I was instructed by vote of the committee in the Quincy case that it was evidence. Now, then, if there is anything that has been attempted to be proved by the defence, it is that there were no complaints, that no complaints have been made. There has been over and over again this question asked. Witnesses were summoned here. That very excellent woman, I should think, from Chardon Street Home — from her own description of herself — was asked if any of the people, when they came back there, ever made complaint. Then, that Chelsea woman, who could not remember the name of the man of influence who was the father of Eva Bowen's child, if you remember, — it was a

man of great influence : pretty near the governor ; and it turned out by the record to be some unheard-of artist that I have been in pursuit of, and now I hope to catch him.— she was asked : When these people came back, did they make any complaint ? Never heard a complaint ! It was a sweet place ! She didn't say that any of them wanted to go back that could help going back. That was the course of the defence. Now, I propose to rebut that, by showing that not only there were complaints to this gentleman, and that for this letter and this report this gentleman was violently abused without hearing him, but that there were complaints, and that he published them from time to time in one of the leading newspapers in this city, as they came to him. And then, not satisfied with that, he has already testified to you that he made a formal complaint to the governor, and he could not get anybody to hear him. Now, what was the use of having complaints ? Here was a complaint made against Mrs. Pasho for throwing a pail of water on to a woman, and the outcome of that was that her wages were advanced, — because an insane woman was insolent ; as if an insane woman could be insolent. Now, I propose to show, and it is a substantial part of this rebuttal, that there were complaints made over and over and over again ; not to go into whether they were truthful or false, because that we cannot investigate : but simply to show that for a series of years this institution has been a stench in the nostrils of the community. Instead of fetching up this man and the other almshouse superintendent, where they simply are in the condition of having the Marshes tell about them, I propose to take a man who is simply outside, and who did his duty, as I am satisfied, toward having the complaints investigated.

THE CHAIRMAN. It seems to me this must open the matter to meet this evidence on the other side. When shall we get through, Governor, if we go into this ?

Gov. BUTLER. How ?

THE CHAIRMAN. It seems to me, if this is gone into, there must be an opportunity for the other side to meet it.

Gov. BUTLER. I don't object to that.

THE CHAIRMAN. Then there will be no end to the trial.

Gov. BUTLER. Pardon me. Yes, there might be. The simple question is whether it meets the case. When these witnesses come here and swear that there was no complaint, that they never heard a word, am I not allowed to prove that

the air was full of complaints, to show that they are not truthful?

The CHAIRMAN. If I understand the evidence you put in —

Gov. BUTLER. I put in no complaints.

The CHAIRMAN. I understand you to have produced witnesses, a great many of them, who have said complaints were made.

Gov. BUTLER. To them, in the institution. See the difference. It is as plain as a pikestaff. To them, in the institution, then and there, on the spot. And when they undertook to put on a doctor here who said he knew nothing about this institution except what two old ladies told him—not only the fact that there were no complaints, but what they said about the institution was, against my earnest protest, admitted. And the woman from the Chardon Street Home, and this North Chelsea missionary woman, and three or four more—two is as good as a dozen—they were allowed to state what was said in other places, that the people at Tewksbury came away satisfied. Now, shall I contradict them or shall I not? If you say I shall not, it is just as well; if you say I shall, I will do it.

Mr. BROWN. It seems to me this is a fair statement of the position: if His Excellency can find some of these women with whom Mrs. Pearson talked, or if His Excellency proposes to show that the doctor out at the Austin Farm, who came in here and said what old women had said to him, who had been at Tewksbury, that he didn't come in here and tell the truth, that is rebuttal. But to bring in another man, who don't know anything about the cases cited by the defence, to say that there were complaints made to him; to bring in a man who knows nothing about it—he don't pretend to know; he simply offers to introduce new matter and new material entirely, for the purpose of showing what? Why, simply, at the very time when these witnesses that I have produced say they didn't hear any complaints, there were complaints made by other people to other people. Well, that was a part of his case in chief, if he has any knowledge whatever. And the general broad proposition stated by him, that anything that tends to contradict the defence is rebuttal, is a proposition I don't think ever occurred to anybody before this. I certainly never heard of it, and I have heard a good deal of discussion on the subject of what is proper and fair in rebuttal. And I say that, if this matter is gone into, it will be very wrong, certainly, not to allow—either for

the legislature or for the committee—not to allow the defence to meet it. And I hope, as this is an investigation which was not started by His Excellency and which His Excellency seems to desire to disown, that we may be able to stop somewhere.

The CHAIRMAN. I will submit the question to the committee whether the question shall be answered.

[The question was rejected; two for, three against.]

Q. Well, did you make publications of matters that you deemed wrong at Tewksbury?

Mr. BROWN. I object to the question.

The CHAIRMAN. It seems to me that is on the same ground. I will put it to the committee.

Gov. BUTLER. Pardon me; that is not upon the same ground; not the rightfulness or truthfulness of the complaint, but whether the complaint was made.

The CHAIRMAN. That would be new entirely.

Gov. BUTLER. Well, in that view there is no rebuttal but what will be new; because if you had it before you would not have it now. I am not going to put in old things in rebuttal.

The CHAIRMAN. I will put the question to the committee.

Mr. LEARNARD. I would like to hear the question.

Gov. BUTLER. The question is whether he, from time to time, published complaints in a leading newspaper in Boston, against the treatment of people in the almshouse, to be followed by the question whether he could ever get a hearing upon those.

Mr. BROWN. To that I object.

[The question was rejected, 2 to 3.]

Gov. BUTLER. I don't think I want to trouble you with anything more.

Cross-examination by Mr. Brown.

Q. Where was it you were employed when you were discharged the thirtieth of June; down here in this custom house?

A. Yes, sir.

Q. Why were you discharged? A. On an order from Washington that discharged eighteen officers.

Q. And you were selected as one of the eighteen? A. I was selected in this way: I was on the list to be retained, and I rested on my laurels and made no effort to secure my position; others did.

Q. That is, you were discharged because you were on the list to be retained; is that it? A. I am telling you how I

made no effort. If you understand how these offices are got, and how they are kept —

Q. No, I don't, and I don't want to. A. Very well; I was trying to show you how. I thought I was safe; I used no influence; I thought I knew Collector Worthington; I have wrote many a letter for his paper, and I am under oath, now, and I have praised him at the seat of war, and this was the thanks I got for it, to be turned out. Although my name was sent in, probably two or three months ago, to be retained, and the order was issued about two months ago.

Q. Let us see; you went in there when? A. I went in there on the fifth of February, 1881.

Q. Who was the collector then? A. Mr. Beard.

Q. And then you were there before that when? A. I was there from February 5 or 7th, 1862, till April, 1867.

Q. And you were discharged then? A. Yes, sir; I was.

Q. To make a place, as the record says, for a one-armed soldier. A. As I say, here is Mr. Hooper's letter.

Q. But you think it was for something else. A. I can show you the copy of a letter which Gov. Andrew wrote to his messenger, which shows you the workings of politics, which you say you don't know anything about.

Q. Now, tell me. — there are two places you have been at; two places you have been at, where you have been discharged?

A. Yes; I admit it.

Q. Now, won't you be kind enough to tell us some place where you have worked where you haven't been discharged?

A. Is there any other like office — there you commit yourself again — in this country?

Q. Wherever you have been you have been discharged?

Gov. BUTLER. That is not his testimony.

Mr. BROWN. I want to ask him whether that is the fact.

The WITNESS. I have told you.

Q. That is a fact, is it? A. It is a fact; yes, sir.

Mr. BROWN. That is all.

Q. (By Gov. BUTLER.) Do you mean to say you were discharged from Tewksbury, or was it a simple catch? A. That is all a lie. I was not discharged from Tewksbury. I was leaving every month, and Captain Marsh said, "Mr. O'Kane, the officers are jealous of you because you go down to Boston so often."

Q. (By Mr. LEARNARD.) When was your attention first

called to this matter under investigation? A. Well, it was incidentally. I happened to call into the room of a gentleman who told me that such occurred in this room, and I was indignant enough to scalp that villain that told such lies here to this committee; I don't know who he is.

MR. BROWN. It is very wise you should not, showing that temper.

THE WITNESS. Oh, there is no temper but what I can restrain.

THE CHAIRMAN. Governor, can you put in anything more to-day?

GOV. BUTLER. I have nothing further to-day, sir.

THE CHAIRMAN. Couldn't you come in at two o'clock?

GOV. BUTLER. What?

THE CHAIRMAN. Couldn't you go on at two?

GOV. BUTLER. Oh, no, sir; I could not go on with my case, because Brother Brown will say he told me he would give me a day's notice, you know.

MR. BROWN. I expected you would examine Mr. Marsh, and that is what has upset my plan.

THE CHAIRMAN. I hope you will be prepared to go on Monday.

GOV. BUTLER. I will be prepared to go right on.

THE CHAIRMAN. I think the committee will give you two hearings a day, and try to give all the time we can.

GOV. BUTLER. I will be ready to go on.

THE CHAIRMAN. Adjourn to Monday, at half-past nine.

FIFTY-SIXTH HEARING.

MONDAY, July 9.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. We are ready to proceed.

Gov. BUTLER. I left off with Mr. Nourse at the place where I wanted to deal with those books, and I am not in that direction. I am content to go on in that direction and —

and — I cannot go on in that direction. I cannot go on in some other directions and adjourn the rest of the cross-examination, in order to save time, until we get them or find we cannot get them.

The CHAIRMAN. Do you mean to let Mr. Nourse go and call some other witness or go on with him.

Gov. BUTLER. I will go on with him, except that I will not finish.

Mr. NOURSE. Mr. Chairman, I would like to make a statement.

The CHAIRMAN. Make it, sir.

Mr. NOURSE. The papers make me say that the last time that I saw these memorandum books of Mr. Marsh was in December. I didn't intend to say so, and I didn't intend to be so understood. It was not the fact.

The CHAIRMAN. I understood it was in March.

Mr. NOURSE. I didn't say when I last saw them in my testimony at all, but the papers make me say that the last time that I saw them was in December. It is not true, and I did not mean to be so understood. What the stenographer has it, I don't know.

TESTIMONY FOR RESPONDENTS (*Continued*).TESTIMONY OF FRANCIS H. NOURSE (*continued*).*Cross-examination by Gov. Butler resumed.*

Q. Well, when did you see them, sir? We won't have any difficulty about it? A. When the report was submitted, in January, the books were submitted with it.

Q. The books were submitted with the report in January? A. Yes, sir. From those books do you want to know what I did?

Gov. BUTLER. I don't want the contents of those books.

The WITNESS. I would say that when the report was made I spent considerable time in checking off his report from the books.

Gov. BUTLER. Well, we will go into all that by and by. The question is, now, when the books were there, in order that they were a part of the offi-

The only way to show their existence, and official record.

Q. (By Gov. BUTLER.) Mr. Nourse, what has been your position on the Lowell Railroad lately, say within the last five or seven years? A. Purchasing agent.

Q. Station agent where? A. Purchasing agent.

The CHAIRMAN. A little louder, Mr. Witness.

Q. Purchasing agent. And have you had anything to do with the purchase of coal at Tewksbury? A. Yes, sir; I have—in connection with Capt. Marsh; never alone.

Q. Have you purchased all the coal? A. Capt. Marsh and myself have usually been appointed a committee for that purpose.

Q. Any other committee except you and Capt. Marsh? A. I think not.

Q. How many years had that been the custom? A. Well, sir, I could not say; the records will show. I am not certain, but as many years as you have named. You asked from five to seven years.

Q. Well, longer than that? A. I think we have purchased longer than that, but the records will show.

Q. Whenever the committee was appointed? A. Yes, sir; the records will show the appointment of the committee.

Q. Was your coal purchased in bulk? Did you make an

arrangement for all the coal that was wanted at any given time — at a given time during the year? A. We usually agreed upon the amount we should probably want and made that a basis for the purchase.

Q. And made the purchase at a time when you supposed it would naturally be the cheapest? A. Yes, sir.

Q. And purchased a supply for the year? A. That was the intention.

Q. Well, at any time did you ever make a new purchase to fill out the year? A. Yes, sir. Sometimes it came short. The very last year that I bought, we bought 2,000 tons, what we supposed was required to carry us through the year; but we got short.

Q. That 2,000 tons, did you purchase all one kind of coal? A. No, sir; we purchased stove coal and broken coal, or egg coal.

Q. You bought some of all three sizes? A. Egg coal for the engine, and stove coal for the stove.

Q. What we call egg coal and broken coal — was that what you came short of? A. I think, sir, we came short of the stove coal, — cooking-stove.

Q. That was last year. A. I think so. I am not certain which kind it was.

Q. Has all the coal gone by the Lowell road? A. Yes, sir.

Q. Any difference from regular freight prices over either road? A. The price is the same, only one is more convenient for delivery than the other.

Q. I mean any difference in the price? A. For the different kinds of coal?

Q. No. Any difference between the regular freight prices on the Lowell road for the same thing to the same place? A. If I understand you, there was a special rate for coal.

Q. I suppose there is a special rate for everybody's coal? A. Yes, sir.

Q. And that makes a general rate for coal. Now, was there any difference between the general rate for coal on the Lowell road, and the Tewksbury coal? A. There are two stations at Tewksbury; one is Tewksbury Junction, and the other Tewksbury Centre.

Q. How far apart are they? A. About a mile apart.

Q. Now, then, will you answer the question. Mr. Nourse? This is the third time. A. I will, if I understand you.

Q. Understand me now, what I want. I repeat the question once more: Is there any difference in the price paid by the Tewksbury almshouse from the regular price of coal at the same distance on the Lowell road? A. There is a difference in price by the cargo, and all those having cargo rates at the same place would have them at the same rate.

Q. Well, there wasn't anybody else, was there? A. That I am not able to state.

Q. Pardon me; don't you know whether there is anybody at Tewksbury that buys coal by the cargo? A. I know that is so.

Q. Then there was not any cargo rate to Tewksbury except yours? Answer that question. Was there any cargo rate at Tewksbury except yours? A. I don't know, sir, that there was; I don't know that there was any application for it.

Q. Why, yes, you do know there was not any application. You know there is not anybody at Tewksbury that buys coal by the cargo, or was not, until Mr. Taylor came there? A. He is above there.

Q. And that is on the other road? A. On both roads.

Q. Was there any cargo rate? You and I know that there is not any cargo rate except where you are, because nobody wants it. Now, was there any difference in the cargo rate to Tewksbury than to any other place as far off? A. I don't know as I quite understand you.

Q. Oh, well, I will make it plain to the most common comprehension. Here is Tewksbury, twenty-five miles off, we will say; and here is another place, on the road, twenty-five miles off. Now, is there any difference in the rate for Tewksbury than any other place? A. Do you mean on the branch, or on the main line?

Q. On any line? A. Well, I am not able to say, only on the main line of the Boston and Lowell road; I am not able to say.

Q. Do you make different rates for coal delivered on the branch from what you do on the main line? A. Well, that opens up a question, Governor; that is a question of competition. That is a matter I don't feel competent to go into.

Q. Pardon me. That opens up a question of competition? A. Yes, sir.

Q. I want to know if there is a difference of rates on your

own road. Your branches don't compete with the main line, I trust. Is there any difference in the rate of coal carried on the main line and carried on the branch lines of the Lowell road? A. There used to be a difference, I think, from Billerica.

Q. I know about Billerica; I don't care to go into that; that will be the subject of another investigation one of these days. We will find out who was at Billerica and what rates he got. That is another affair. Now answer the question — A. I will, if I understand it.

Q. Let me see if you don't understand it. Do you understand this? Is there any difference in the rate of coal carried the same distance over the Lowell road, whether it is carried all the way on the main line or a part of the way on a branch? A. Governor, you will pardon me for not answering this question; it is not, as I have said before, within my province to decide.

Q. It is not in your province? A. No, sir.

Q. I have not asked you whether it is in your province; I ask you whether you know there is any difference? A. I don't know, sir.

Q. Now, sir, didn't you make the arrangement for the rates for the carriage of this coal? A. I did.

Q. Well, sir, didn't you know enough when making that arrangement to know what the prices were at other distances? A. Nothing except in Lowell — except Lowell prices.

Q. You knew what the Lowell price was? How far is Lowell —? A. Six miles from Tewksbury Junction.

Q. I know. How far is Lowell from Boston? A. Twenty-six miles.

Q. And how far is Tewksbury Junction from Boston? A. From Tewksbury Junction to Boston is about twenty miles.

Q. How far is it to the State coal yards? A. Well, that is within twenty rods or thirty rods of the station; perhaps forty rods.

Q. Well, call it substantially twenty miles. Very well. Did you pay as much to Tewksbury as the rate was to Lowell? A. I am not certain, sir, about that.

Q. You made this bargain for coal for the State here all these years? A. Yes, sir.

Q. Don't you know whether you paid as much or more for carrying this coal to Tewksbury as was paid for carrying coal to —? A. The regular rates —

Q. Leave out the regular rates, and stick to my question.

Do you know whether you paid as much for carrying this coal to Tewksbury as was paid for carrying cargoes of coal of the same description to Lowell? A. I think not, sir. I think the price was a little short.

Q. Don't you know whether it was or not? A. That is my impression.

Q. Don't you know? A. I would not like to swear, when the facts can be shown.

Q. I understand it is difficult to swear when the fact can be shown, sometimes? Here you have been acting as trustee, acting for the State, and making bargains for this coal over your road all this time; now, I should like to know whether you know whether you have got the same bargain for carrying it twenty miles, more or less, as if it was carried twenty-six miles? A. As I remember about it, the price was seventy cents to Tewksbury, and to Lowell seventy-five cents. That is what I recollect about it.

Q. Will you swear that was so? A. I would not say, because I tell you I have no distinct recollection.

Q. Now, in Lowell they have to deliver it over the local tracks in the city, don't they? A. Well, sir, there is another point. This coal at Tewksbury has all to be unloaded on the main track. When that coal is sent out there, we send an engine to move the train and make way for other trains — move it back and forth. Of course it costs more than it would to send it to Lowell, and set it off on a corporation track, and never have anything more to do with it.

Q. You don't have to deliver at Tewksbury, do you? Tewksbury delivers its own coal? A. No; we buy it on the cars at Boston, and then pay the freight.

Q. I see; but you don't have anything to do with the delivery? A. No, sir; the Tewksbury men shovel it off, or dump it, as the case may be.

Q. Well, and all these years that has not been of so much trouble to the Lowell road as for them to put in even a side-track to run the cars on? A. No, sir; it has not been put in for that purpose.

Q. You have one? A. Yes, sir.

Q. Why not run it on to the side-track? A. Well, the shed where they dump the coal is on the main track.

Q. And where the cars are on the side-track? A. No, sir. Some cars that are not dump-cars must be shovelled.

Q. Now, do you make an extra allowance to the Lowell road for carriage on that account? A. The bargain was made that they should do it in that way.

Q. I ask you whether you paid an extra price for carrying the coal in that way — for delivering the coal in that way, with the road? A. I don't say that we did.

Q. Then, if you didn't make any extra price, you took the regular rate, didn't you? A. The price for the transportation of the coal included the shifting back and forth, so that the cars might be unloaded.

Q. Undoubtedly. Generally it is done so? A. No, sir.

Q. Well, I am glad to see that you are so well acquainted with the way the coal business is conducted. A. I am, sir, with that, particularly.

Q. Now, then, have you ever been to the Boston & Maine for competing rates? A. I didn't go, but Capt. Marsh did.

Q. Did you go with him? A. No, sir.

Q. And you don't know that he went, except what he told you? A. The prices were the same.

Q. Were you there when this coal shed — are there any coal sheds on the Boston & Maine at all, belonging to Tewksbury? A. No, sir.

... there when these coal sheds were made at

Q. Were you ~~there~~ with the almshouse
Tewksbury? A. I made the arrangements ~~there~~ ^{at the} almshouse
— while I was running the Salem & Lowell Railroad, at one
time, I made arrangements for the shed, so we could dump the
coal.

Q. You were trustee of the almshouse, and you were then running the Salem & Lowell Railroad, which is a part of the Boston & Lowell — the same thing? A. Yes, sir.

Q. You, acting as trustee of the State, on one side, made arrangements with yourself as the man running the road, on the other side; you didn't have any difficulty in making that bargain did you? A. If you put it in that way, I would say that the railroad did all they could to accommodate the institution. As a railroad man and as trustee, I thought I should take the best advantage, the best position. In one case, on the Boston & Maine Railroad, it had got to be all dumped over the railroad track. In this case, a portion is, and a portion is not.

Q. Now, while making that bargain and doing the best you could for the institution, why didn't you go and see what sort

of a bargain you could make with the Boston & Maine? A. Captain Marsh went.

Q. Leave out Captain Marsh? A. I didn't go.

Q. I know you didn't go. I ask you, when you were making the bargain for the best interest of the State, you made it with the Lowell Railroad. Why didn't you go over and see what sort of a bargain you could make with the Boston & Maine? A. Because one of the committee went; that is why.

Q. One of the committee; that is, Captain Marsh? A. Yes, sir.

Q. You didn't go? A. No, sir.

Q. And so this method of delivering coal on the road where you were purchasing agent, or were running a portion of it, has been going on now for ten or fifteen years? When was that branch built? A. I don't remember when that shed was put in; I cannot fix the time.

Q. As many as ten years ago? A. Yes, sir.

Q. Fifteen? A. Well, I should think it might be.

Q. Eighteen? A. No, sir; I should think not.

Q. Well, somewhere about fifteen years. And hasn't there been a lower rate established at Lowell on the Boston & Maine since seven or eight years—since they got in their branch to Lowell? A. You are going into a matter that I am not competent to decide upon; I simply know by hearsay.

all.

...say, that is

Q. Pardon me. Think of it a moment, Mr. Nourse; subsequently to that earlier arrangement, the Boston & Maine, over the Lowell & Andover road, got their coal-cars into Lowell, didn't they? A. Yes, sir.

Q. Now, don't you know, when they got their cars into Lowell, whether there was competition between the Lowell road and the Boston & Maine in regard to coal rates? A. I suppose I have the same information and knowledge that the general public have. I understand so, but I have no certain knowledge.

Q. Very well; understanding so, why didn't you, for the State, take advantage of these competing rates down to Tewksbury? A. The price is the same over both roads to Tewksbury.

Q. How do you know? A. As I said—from a member of the committee.

Q. But if the price was the same, was it the same after they got competition at Lowell? You paid Lowell rates. Under-

stand where you are. You paid Lowell rates under your arrangement, because there was no competition to Lowell. The Boston & Lowell held the Lowell & Salem, and they held the Lowell road, so there was no competition up to Lowell, and you paid Lowell rates. Afterwards the Boston & Maine got their tracks into competition in Lowell and there was, as everybody knew, and as you, of all persons on earth, ought to have known, there was a lowering of prices, of rates; and still your rates remained the same, didn't they? A. No, sir; I went over to our agent and got our price for transportation of coal to Tewksbury. The price paid was less than formerly. We formerly paid more; I don't remember the price. Mr. Bennington told me the price was the same by agreement over both roads.

Q. He told you the price was the same by agreement over both roads? A. That is all I remember inquiring about.

Q. You didn't inquire how it was to Lowell? A. I don't think I did. I may have inquired the price to Lowell, but I didn't consider that it was my business.

Q. You went on the agreement that the price was the same at Tewksbury. Did you get any drawback in any way? A. No, sir; the bills show exactly the amount paid.

Q. Undoubtedly. You got no drawback, no consideration, nothing from anybody? A. No, sir.

Q. Nowhere? A. No, sir.

Q. What is the price of taking coal—the lowest price paid for taking coal to Billerica, which is just twenty miles? A. I could not tell you, sir.

Q. Ever inquire? A. I may have done so, but it is not in my memory.

Q. Don't you know the rate for coal is cheaper to Billerica than it is to Tewksbury? A. I could not tell you, sir.

Q. Won't the books of your corporation show it? A. I cannot tell; I have nothing to do with those books.

Q. Did you ever inquire the rate to Tewksbury—I mean, now, North Billerica, which is about 22 miles? Now, will you tell me whether coal has not been delivered at North Billerica, 22 miles from Boston—a little short—at lower prices than it has been at Tewksbury? A. I cannot answer your question.

Q. Did you ever inquire? A. I don't think I have.

Q. Hasn't it been done so for years, going away back to 1878 and 1879? A. I am not able to tell, sir.

Q. Why wouldn't it have been a good thing to inquire? A. My business is so large that it requires all my attention without going outside.

Q. What business are you talking about now? A. My business as purchasing agent.

Q. You say your business as purchasing agent is so large that it takes all your time without going outside, yet all this time you did continue, without pay, so far as appears by the books, to do the business of trustee in this institution, didn't you? A. I said my business; that is included as part of my business, sir.

Q. Then it being part of your business, why didn't you inquire whether you were getting the lowest rates to Tewksbury? A. I believe I have told you, Governor, that by agreement — their agent told me the price was the same over either road. We could not go any further than that. Neither road could reduce the price.

Q. You don't understand me, sir. A. I cannot tell what the rate was to Newton or to any other place.

Q. I don't ask it to Newton or any other place; I am asking about a place on the Lowell road, 22 miles from Boston. A. Well, sir, I cannot answer the question.

Q. And you never inquired and cannot answer whether there has been for a series of years less freight paid there? Very well; we will leave it there. Now, about another thing. Did you ever receive anything from Tewksbury? A. No, sir.

Q. What? A. No, sir.

Q. What? A. No, sir.

Q. Nothing ever came into your house from Tewksbury? A. Nothing but what I have paid for.

Q. Did you purchase things of Tewksbury? A. I did.

Q. What? A. I did; some poultry.

Q. Poultry. When? A. Well, several times.

Q. How much? A. I could not say, sir, how much.

Q. About how much? A. Well, it is impossible for me to tell. I estimated I had about in the neighborhood of twenty dollars' worth.

Q. When did you pay for it? A. Paid for it last March.

Q. When was it delivered? A. Delivered at different times along.

Q. How many years before did the delivery begin? A. I have never received any presents whatever.

Q. I didn't ask about presents. Please answer my question, Mr. Trustee. A. I have, sir.

Q. You paid for it last March. Well, we have got \$20 out of it. Credit it to the \$9,000 that the investigation has cost.

A. If you will pardon me,—I never received anything but what I considered myself under obligation to pay. I am telling you the truth.

Q. I want to know when the first delivery was made of poultry which you paid for last March. A. I could not tell you.

Q. In 1879? A. I could not tell you, sir.

Q. In 1880? A. I could not say.

Q. In 1881? A. I have told you before, I could not tell.

Q. Pardon me. In 1876? A. I cannot fix the time, sir.

Q. Well, then, what sudden spasm of accounting came upon you last March that you should pay for poultry delivered in 1879? A. I will tell you, sir. There has been a package sent to me, and I told the parties I could not receive it.

Q. When? A. I could not tell you when it was. I think it was the first time.

Q. You told them you could not receive it? A. That I didn't receive any presents.

Q. Stop a moment. It was left there, was it not?—It was left there, was it not? A. Yes, sir.

Q. And it was poultry? A. Yes, sir.

Q. And you ate it? A. Yes, sir.

Q. Very well; and didn't pay for it then? A. No, sir.

Q. Now, then, how many years ago was that? A. Was what?

Q. That first package. A. I could not tell you.

Q. Ten? A. I could not tell you.

Q. Fifteen? A. I have told you, sir, I could not tell you.

Q. Can you tell within ten years? A. I cannot tell you.

Q. Now, then, you didn't pay for that then. How soon after did another package come? A. Well, I think there some came in November.

Q. This first was in November? A. Some of these were directed to Mrs. Nourse.

Q. How? A. Some of them were directed to Mrs. Nourse.

Q. They said: "You cannot prevent my sending them to your wife." And you paid for the presents she received? Pardon me. In the first place, the package came to you, and

you could not receive it. But the rest of them came directed to Mrs. Nourse? A. I presume not, all of them.

Q. Well, but some of them? A. Yes, sir.

Q. Well, have you paid for what came directed to her? A. I paid what I supposed covered all.

Q. Now, then, is not this the thing? You have received poultry, packages, year by year, for so many years you cannot tell how long; and last March you lumped it up and paid for it, did you? A. Yes, sir.

Q. What time last March? A. I don't remember the time in March; the early part, I think.

Q. Then, if you lumped it up and paid for it, it ought to appear on the books? A. I think the books —

Q. You were trustee — ? A. I think, if the entry was ever made on the books—I have not seen the books since.

Gov. BUTLER. Mr. Innis, won't you get the cash-book?

Q. You paid in cash? A. Yes, sir.

Gov. BUTLER. Mr. Innis, won't you get the cash-book for last March?

The WITNESS. I think the clerk told me, when I paid him, that the books had gone to the State House.

Q. Oh, yes; well, that fixes the date I wanted. After this investigation commenced you paid for ten-year-old poultry? A. I told you that I considered it a debt, and always did consider it a debt.

Q. Always did consider it a debt, I know. Ever have any account of it? A. I didn't keep any account of it.

Q. Any account on the books kept of it? A. I don't know that there was, sir.

Q. You don't know that there was? A. No, sir.

Q. Don't you know there was not? A. I didn't see any.

Q. It was your duty, as trustee, to examine the books? A. I didn't see any record of it.

Q. It was your duty to examine the books? A. I did.

Q. And approve the accounts? A. I did.

Q. You knew all the time they were not correctly kept, because that debt against you was not there? A. I considered it a debt.

Q. I am asking about that very point. You considered it as a debt. You knew you owed the institution, and yet the debt against you was not charged to you. The State property had gone out, which you had eaten, and it was not charged to

you, and you certified that the books were all correct all the same: that you had been doing for fifteen years, hadn't you?

A. You say so.

Q. Don't you say so? A. No, sir.

Q. Will you say you have not? A. Fifteen years? I cannot say.

Q. Fifteen years for aught you know. And last March, after this investigation commenced, you paid, you say, twenty dollars. How did you get at it? A. I had not left the institution, sir, and before I left it I intended to pay.

Q. Pardon me — A. I told my family I should not accept of it at all.

Q. I know you told your family you would not have it, but you did? A. I didn't have it except under obligation.

Q. Yes; a debt? A. Yes, sir; a debt.

Q. When you paid for it, how did you get at the amount? A. I estimated it as well as I could.

Q. Then you must have known how many years? A. I could not tell how much they weighed.

Q. If you didn't know how many years you were to pay for, how did you know what to pay? A. Well, sir, it was an estimate.

Q. Who made the estimate? A. I did. I talked with my family about it.

Q. Did anybody else make an estimate but you and your family? A. Not that I know of.

Q. Now, you went and paid Captain or Charles? A. I paid the money to Charles.

Q. Did you have anything to say to the Captain about it? A. No, sir; I don't think I exchanged a word with him.

Q. Then you went to Charles and told him that for an unknown number of years you had had an unknown number of pounds of poultry, and you wanted to pay a lump sum for that, did you? A. I told him I thought I had had about that amount, and I gave him the money and told him to credit it to the State.

Q. Now, the books didn't come down here until sometime the first of April, and this could not have been in March. A. Yes, sir.

Q. What time in March? A. Yes, sir; I was told so.

Q. He told you the books had gone down here? A. He didn't tell me so until afterwards.

Q. How long afterwards? A. I could not say. I asked him if the amount or the money was credited, and he said it was.

Q. You could not see it, because the books had gone down? A. Yes, sir.

Q. Very well. Now, then, if it was credited before, we shall find it. If it was not, we shall know it was not. We can fix that date all right. Will you swear that this method of delivering poultry has not been going on for twenty years? A. I have no idea that it has. Never, so far as I have any knowledge.

Q. You have been there how many years as trustee or inspector, or whatever it might be? A. About twenty years.

Q. Now, will you swear that upon the Thanksgiving Day next after your appointment there was not a quantity of poultry sent to you from Tewksbury? A. I will swear so.

Q. What? A. There was not.

Q. Within two years? A. No, sir; not within two years.

Q. Within three? A. I could not tell the time; I think not.

Q. Well, within four? A. I said before I could not tell.

Gov. BUTLER. Then, we will leave it for sixteen.

The WITNESS. I am not willing to state.

Gov. BUTLER. [Referring to the cash-book.] This is one of the misfortunes of not posting the books. This book is only posted up to February 2, if I get it right. There was a good deal done on February 2nd, but there was not anything of this kind under February 2nd because all the cash received was from Thomas J. Marsh, for salaries, etc. And that balance, February 2nd, is the last time of posting, and this is the last book we have got.

The WITNESS. The clerk is here; you can ask him.

Gov. BUTLER. Sometime I shall, if I get a chance at him.

Q. Now, that book he has made this in evidently was not sent here, because it is not in the book sent here. A. I have not seen it on the books at all.

Q. Whatever he has told you about it, if he has told you it was on the books sent here, he simply told you a lie; because it is not on the books sent here. A. I think the books were sent here before I paid it. They were sent here several times.

Q. I know they were; but they didn't begin to be sent here until after the first of April, if I remember. I guess you will

find the date is wrong, or there is a mistake in the entry — one or the other. I think we began on the 30th of March, didn't we, Mr. Brown? Now, don't you know whether it was after this investigation began? Because that is a memorable event in your life. A. I can show you the receipt, if you wish.

Gov. BUTLER. Let us see the receipt.

The WITNESS. I think I have it here. [Producing a receipt.]

Gov. BUTLER. [Reading.] \$20.00. Received of F. H. Nourse twenty dollars for articles sold from the State farm at the almshouse."

Q. This was the receipt for those deliveries for so many years past. A. That is the receipt.

Q. This is the receipt I have been talking about? A. Yes, sir. I thought I was not wrong in my dates.

Q. No; you might not be wrong, but you made yourself wrong by what was told you. A. No, sir; I don't consider I made myself wrong.

Q. He told you the books had gone down on the 7th of March. Now, Mr. Nourse, had you anything to do with purchasing anything else but coal? A. Well, I have been with the superintendent and Mr. Elliot several times when we have bought articles.

Q. Such as what? A. Well, a carriage.

Q. What? A. When we have bought a carriage; and when we looked around for washing-machines, and several other important articles. I have frequently been with them; not merely as a committee, but in consultation.

Q. Now, Mr. Nourse, did you ever see Mr. Bernard O'Kane in your life? A. I don't remember of seeing him.

Q. Did you ever talk with him? A. I say I don't remember.

Q. Whom did you ever speak to about Bernard O'Kane? A. The information that I obtained when that report was written was from the officers of the institution.

Q. Well, the institution didn't talk? A. The officers, I said.

Q. Which officers? A. Capt. Marsh and Thomas J. Marsh, Jr.

Q. Anybody else? A. Possibly; I don't remember. They were the principal ones to give me any such information as I wished.

Q. Now, sir, did you write that report with your own hand?

A. No, sir.

Q. Who did? A. Mr. Safford wrote it.

Q. Who? A. It is my report, but it was written by Mr. Safford.

Q. By Mr. Safford? A. Yes, sir; our combined literary efforts together. He wrote it.

Q. He wrote it, and you signed it? A. I considered it my report.

Q. We are not upon that now. Now, then, without calling the man who made the complaints, Mr. Bernard O'Kane, you asked the men against whom he complained, and took the statement that he was discharged for being intoxicated, and for being a slanderer, and all that, and put it into a public report without sending for him, or letting him know, or anything else?

A. The best information we had we supposed to be that of these men.

Q. The men of whom you asked were those of whom he complained? A. We had his complaint; that was their answer.

Q. You had his complaint, and that was their answer? A. Yes, sir.

Q. And without asking him to substantiate his complaint you put their answer, that he was discharged for intoxication, into the report, without knowing one word about it, only talking with the accused; and you thought that was justice, did you?

A. Yes, sir.

Gov. BUTLER. That is your idea of an investigation. We have had some ideas just about like that.

Mr. BROWN. We have had men here charged with dereliction of duty who hadn't been in the employ of the almshouse for seven years.

Gov. BUTLER. I am not discussing that now, sir. There is no occasion for interruption.

Mr. BROWN. You said something about the investigation, and I thought you meant —

Gov. BUTLER. We haven't made up our report, sir: there is time enough to complain of what is in it. I am complaining of what there was in that report, showing what chance there was for an investigation when the man that makes the complaint against the almshouse to the trustees is never called upon to make good the complaint, but is put in the report as a drunkard and a discharged person, when the very person so reporting

him gave him a letter of recommendation, and he went away voluntarily, as he swears.

Q. Now, did you ask where was the evidence of his discharge? A. A letter of recommendation? I have not seen anything of that kind, sir.

Q. I know you didn't see it; but you didn't ask him. A. If the man named gave that recommendation, he would not have been likely — the man that gave the letter was not very likely to go out and set up the man receiving it to be a drunkard and discharged person; the man is not of that character at all.

Q. How do you know? When a man is accused you go and ask him, and if he tells you that his accuser is a drunkard, you put that into the report, and that is an investigation? A. A man I have known for twenty years, and never have known a suggestion of dishonesty or untruthfulness about, I place a good deal of confidence in.

Q. I have no doubt, especially when he sends you poultry that you don't keep any account of for fifteen years? A. He didn't do it.

Q. Who did? A. Thomas J. Marsh, Jr., — and he said he had a perfect right to send it.

Q. When did he say that? A. At the time that I objected to receiving it.

Q. He had a perfect right to send it. On what ground? A. I didn't ask him, sir.

Q. You doubted, and you asked him? A. I told you, Governor, that I objected.

Q. I know; you objected to taking the cake, but still you ate it? A. I acknowledged the debt.

Q. Fifteen years afterwards? A. I did not say that.

Q. You would not say it was not? A. I have said repeatedly, I would not say.

Q. You would not say, because you don't know? A. No, sir; I don't.

Q. Now, Mr. Nourse, you have been purchasing agent of the Lowell Railroad? A. Yes, sir.

Q. Do you deal with the Lowell Railroad in that way — let accounts stand ten or fifteen years without having anything on the books? A. No, sir; I do not.

Q. Would you think it was an honest way of dealing? A.

I should not do so. In the first place, I would not accept anything.

Q. Leave out the acceptance, now, sir; I am taking it on another ground. You are now purchasing agent, and this is not an acceptance. You send a man certain goods on the Lowell road, and you don't keep them on any book — you don't keep any account of them? A. Yes, we do; keep everything.

Q. Oh, you do? A. Yes, sir.

Q. I am supposing you would not. A. We verify the accounts.

Q. Now, then, would you think that an honest way of dealing? A. Well, in one case I receive and in the other I charge off; that would be an entirely different thing.

Q. Would you think it would be an honest way of dealing if you did it for the road? I don't say that you do. A. I would not do so, sir.

Q. Because it would not be honest? A. In my account.

Q. Very well, if it would not be honest for you in that case — A. I don't admit the question of honesty at all.

Q. But I want you, now, to say whether you would think it was an honest way of dealing with the property of the Lowell Railroad for you to send it to men, year after year, and keep no account of it, and leave it to depend upon the question whether you die or live, or somebody else dies or lives, whether they get their pay? A. That depends upon the other end and not at this end. The party sending it is the one to keep the record.

Q. I am asking you, would you think of sending the property of the Lowell Railroad out to A, B and C and keeping no account of it for a long period of years, trusting to their honor and honesty to pay for it when they got ready, — would you think it was an honest way of dealing with the property of the railroad? A. I don't do so. We send out and take a receipt back.

Q. I don't ask if you do so; I ask if anybody should do so in your place, you would think that an honest way of keeping an account? A. I don't think the supposition has anything to do with it.

Q. I ask you whether such a course of dealing — whether that is an honest way of dealing? A. I will tell you my way.

Q. I ask you, if you think such a way is an honest way of dealing? A. I think the party sending it should keep an account.

Q. Why didn't you, as trustee of the almshouse, require this honest man, whose word you always took, to keep an account as you always kept an account? A. Didn't I tell you that they came from the other party.

Q. What other party? You mean Thomas J. Marsh, Jr.? A. Yes, sir. I never exchanged a word with Captain Marsh about it—don't think I ever did.

Q. Then you think him honest because you think he didn't know anything about it? A. I didn't say so.

Q. Will you say so? A. That is not the reason why I think so.

Q. In this transaction you think he was honest because he didn't know anything about it? A. There is no question of honesty about it if he didn't know.

Q. I know—if he didn't. And the reason why there is no question of honesty about it is because he didn't know? Then the fellow that did send it is the dishonest rascal, isn't he? A. He said he had a perfect right to do what he did.

Q. With the State's property? A. I don't know whether it was the State's property or not.

Q. Is there any question whether the superintendent had the right to sell property? A. He had the right to sell those things not required for use by the institution.

Q. Needless surplus? A. He sells flour barrels when there is a surplus not required by the institution. He sold pork sometimes; but he never sold that without consulting the trustees.

Q. Why not be allowed to sell pork without consulting the trustees, and yet be allowed to sell turkeys and chickens to the trustees and not consult them? A. I don't know that you can connect the two.

Q. Why not? To sell pork requires consultation with the trustees; why should not the selling of turkeys and chickens, which might be quite as valuable, require consultation with the trustees? A. I was talking about the superintendent.

Q. I am talking about either man. You say the man who sent you the chickens told you that he had the right to send them. You were his master and you knew— A. I didn't know where the property came from and didn't inquire.

Q. That is your answer? He says now he don't know where the property came from and didn't inquire? A. I didn't, sir.

Q. Now, sir, for a series of years you received this property

without knowing where it came from? Answer that question.

A. I decline to answer unless I can explain.

Q. Pardon me. You now swear that you didn't know where the property came from for a series of years? A. I knew that it came from the almshouse, but whose property it was I didn't know.

Q. Whose property? A. Yes, sir.

Q. Very well. Did you ever ask whose property it was? A. No, sir; that was the answer given to me.

Q. That he had a right to send them? A. Yes, sir.

Q. If you supposed it was his why didn't you go and pay him? A. Because I didn't like the idea of it at all. I didn't like the idea of receiving that property, and paid for it.

Q. I know you did pay for it. If you thought it was Thomas J. Marsh, Jr., and he having claimed the right to send it to you, why didn't you go and pay him? A. Because I had to do with the institution.

Q. I know; but you didn't have to go and pay a debt that you had owed all these years to Thomas J. Marsh, Jr., to the institution, did you? A. I paid it as I said.

Q. Who used to bring them; French Joe? A. Well, sir, I am not able to say who did. I didn't receive it from any party myself.

Q. It was left there when you were not there? A. It would come directed to me at Winchester.

Q. Come by express I suppose? A. Sometimes directed to me and sometimes to Mrs. Nourse.

Q. Frequently? A. I said no.

Q. At least once a year? A. Once a year when they did send.

Q. Will you now swear that since the first package came there has ever been a year when it hasn't come? A. I am not certain whether it has or not.

Q. Hasn't it come more than once a year? A. No, sir.

Q. What? A. No, sir.

Q. Never more than once a year? A. No, sir.

Q. And the poultry was turkeys and chickens, was it not? A. Chickens.

Q. No turkeys? A. No, sir.

Q. Anything else but chickens? A. No, sir.

Q. Nothing ever came there but chickens? A. No, sir.

Q. And you thought in an unknown time you had got about

twenty dollars' worth and that you would pay it on the 7th of February? I don't think I will have to trouble you any further.
A. That is a very good joke. I said the 7th of March and you say the 7th of February. I wish you would quote my evidence as I give it.

Gov. BUTLER. Pardon me; I did quote it as you gave it.

The WITNESS. No. You said the 7th of February and I said the 7th of March.

Gov. BUTLER. I very likely called the wrong month.

The WITNESS. I wish you would quote me correctly.

Gov. BUTLER. I will try, sir. Sometimes I call a word wrong.

The WITNESS. I mean to tell you the truth. Is that all, did you say?

Gov. BUTLER. That is all, sir, unless Mr. Brown wants to say something.

Re-direct examination by Mr. Brown.

Q. You say they came about Thanksgiving time? A. Yes, sir.

Q. Never at any other time in the year? A. No, sir.

Q. You were asked early on your cross-examination about a report which Thomas J. Marsh, Jr., made to you — A. Made to the inspectors or trustees.

Q. In regard to bodies? A. Yes, sir.

Gov. BUTLER. Well, I have not gone into that.

Mr. BROWN. But you demanded its production. And now I want to ask him a question.

Gov. BUTLER. No; stop a minute, I cannot have that played on me. That won't do. This is it: I stopped my examination as to bodies and as to all that, because I want the books before I go into that; and I simply went into other questions since that time, only Mr. Nourse wanted to correct a statement as he understood it from the newspapers, and I asked him when it was that he saw the books, and expressly told the committee that I would not go into any question about the bodies until I got the books. And therefore I object to Mr. Brown's now re-examining about the bodies, because he will have to do it over again after I get the books; and re-examination is only to correct something that has come out in the cross-examination.

Mr. BROWN. Mr. Chairman, I am very much amused at the

want of recollection of His Excellency. I was examining Mr. Nourse in chief in regard to bodies, and he spoke of a certain report that Thomas J. Marsh, Jr., made to him. I didn't have that report in my possession. The governor interrupted and demanded it, and I didn't produce it, because I could not. I expect that report here in a very few moments, and I want to put it in.

Gov. BUTLER. The report is in.

Mr. BROWN. I beg your pardon.

Gov. BUTLER. The report copied into the trustees' record.

Mr. BROWN. Now, you are talking about one thing and I about another. Excuse me, and I will make it plain. It was from that report of Thomas J. Marsh, Jr., which Mr. Nourse and the other officers made the report, which was embodied in the trustees' record. My question to Mr. Nourse, now, is simply whether he marked that report in any way — that is the question I was going to ask — whether he marked that report that Mr. Marsh made to him in writing, so that he could identify it; and there I purposed to stop. I expect it here in a very few moments, and when it comes I will ask Mr. Nourse if he will identify it. I didn't pursue the inquiry at the time.

Gov. BUTLER. I have no objection to that. Wait until it comes, and then ask him.

Q. (By the CHAIRMAN.) Mr. Nourse, I want to ask you one question. During the time you have been trustee of that institution, has anybody, State official or otherwise, made any complaint in regard to the execution of the law relating to dead bodies? A. No, sir.

Q. (By Mr. Mellen.) Did you receive anything other than poultry from Tewksbury? A. No, sir.

Q. Not a thing? A. No, sir.

Gov. BUTLER. I failed to ask that question [the question by the chairman], because I waived everything about dead bodies. I have an answer to that which I want to put in directly.

TESTIMONY OF WILLIAM H. HASKELL (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. William H. Haskell.

Q. William H. Haskell. Where do you live? A. Gloucester.

Q. Have you ever had to do — have you ever been overseer of the poor at Gloucester? A. Yes, sir.

Q. When, and how long? A. I was elected, sir, in 1867, and I have been overseer from that time to the present.

Q. Did you know a family by the name of Morey, in Gloucester? A. I did, sir.

Q. Did you know a woman by the name of Ellen Allen? A. I saw her once, sir.

Q. When was it? A. That was in December; I think the 26th, sir, of 1876.

Q. Where was she when you saw her? A. It was at—this Mr. Morey called her his sister, or his wife's sister—at his house, on Park Street.

Q. Do you know a young man in Gloucester by the name of Richard Morey? A. Well, sir, I have seen him once.

Q. Whether he was the son of Mr. Morey that called upon you, and lived in the family? A. Yes, sir; I suppose I have seen him often, but didn't know him.

Q. Well, now, what was the occasion of your seeing Ellen Allen at this time in December that you have spoken of? A. Her brother called upon me.

Q. That is, Mr. Morey? A. Yes, sir. He called upon me at the office, and wanted some help or aid for his sister.

Gov. BUTLER. Well, one moment; I think we cannot have conversation with the brother.

Mr. BROWN. My dear Governor we had the conversation between these two people, both of whom are dead, detailed to us by Richard Morey, and I don't know why I shouldn't go into it.

Mr. LEARNARD. What is the question?

Gov. BUTLER. The question is, what Mr. Morey said down at Mr. Haskell's. What I put in was what was said in the presence of the party about some money which was counted; and I said that that was an act.

The CHAIRMAN. It distinctly appeared that there was no party present. After she had gone to bed the money was counted down stairs.

Gov. BUTLER. The ground I put it on was a thing done. But now I object to what a third party says, wholly without any reference to what was going on, which is material here in the absence of the party to be affected by it.

Mr. BROWN. The party to be affected is the clerk of this institution, and there never was any pretence that he was there.

Gov. BUTLER. The party to be affected by it is the dead woman, as to her condition. She was not there; if she had

been there, I should not have any objection ; but simply to put in what a man said to another party is going farther than we have gone yet in the investigation.

The CHAIRMAN. I didn't think the other was competent. and I think this is just as competent. I will submit it to the committee.

Mr. BROWN. I would like to say a single word, which is this : His Excellency charges this young man, Charles B. Marsh, with embezzling the money of the inmates of this institution — that is the charge — under the general head of mismanagement of this institution. To prove that charge in the case of Ellen Allen, who was dead, they bring this Richard Morey, this boy, who says that he heard a conversation between the parties, who are now dead, all of them, on the night before his father took Ellen Allen to Tewksbury. I objected to it at the time, but the committee let it in. Now, if the committee want to take the position that that is not evidence, and I shall not meet it, I would be very happy to have it.

Gov. BUTLER. Again the rule has been violated, and again I have to address the committee. We charge Mr. Marsh with having taken a certain sum of money, because we find in the book the place where it has been altered —

Mr. BROWN. I beg pardon ; not in this case.

Gov. BUTLER. And to show that a part of the money that the woman had only was entered. Now, to show that the woman had money, we put in the fact that she was going there, and that the money was counted, and what was said about it at that time. Now, then, his proposition is to rebut that evidence by showing what somebody else said somewhere else about it, if it goes as far as that. Suppose Mr. Morey had said she hadn't a dollar — which won't be the case, I guess — does that tend to prove the contrary at all, in any way, that she hadn't? Is it any evidence ; has it any tendency? I think I could understand this matter. Mr. Morey was a pretty thrifty, close man, and his wife's sister was living upon him, and living pretty closely ; and he thought if he could shift his burden upon the town it would be to his convenience. And she was put on to the State. Now, what he said to Mr. Haskell about it is wholly *res inter alios*. However, it is not of very much consequence ; we have spent more time over it than it is worth.

[The committee voted to admit the testimony.]

The CHAIRMAN. Go ahead.

Mr. BROWN. Now, go on and state what took place.

The WITNESS. I asked him various questions in regard to her claims, her legal settlement in the city, and found then, as the law was, she had none, — I supposed not. I wrote to the overseers of Boston in regard to the matter, and they denied her claim there. Then I informed him that she would be a State case, and if he could not provide for her, and she could not provide for herself, they must send her to Tewksbury. He kept her along until April 7, 1877, when we sent her away. He took her over to Tewksbury in a carriage. She was an invalid, and partially paralyzed.

Q. Did you see her before she went? A. Yes, sir; I saw her, and questioned her in regard to her settlement.

Q. Did the city of Gloucester pay this man Morey for taking her over to Tewksbury? A. Yes, sir.

Q. How much? A. Five dollars.

Q. He took her in a private carriage? A. Took her in a private carriage. Being an invalid, and partially paralyzed, I advised him to do that, because the fare from Gloucester would be one dollar and twenty-five cents, and there would three fares, up and down, hack hire in Salem and hack hire probably in Gloucester, and it would amount to about five dollars. He informed me afterwards that he expended five dollars for a carriage.

Q. And he drew that money from you, or from the town, to pay for taking her there? A. Yes, sir.

Q. Now, did you ever hear from Ellen Allen? You had a conversation with her? A. Yes, sir.

Gov. BUTLER. About her settlement.

Q. Did you have conversation with Ellen Allen? A. Certainly, sir.

Q. What did she say to you about her means? A. She said to me, in regard to her settlement: I was born in Ireland; I have lived in Boston seven or eight years, and then I was married in 1856, and resided in Boston, as I said, altogether, seven or eight years. Then they removed to California, and were there five or six years. Her husband died in California, and she returned back to Boston, and lived there four years, and came to Gloucester, and had been with her brother two years and a half. Those facts I got from her. Then, as the law was, she had no settlement, because the law of 1874 did not apply, I believe, as a general thing, only to single women. In

1879 that law was amended so as to apply to widows and married women.

Q. Now, did you have any conversation with her in regard to her means, or her financial ability? A. She informed me at the time that, of course, she could not take care of herself, and she could not provide for herself. That was all, sir. I supposed the woman was making a statement that was correct and truthful.

Q. Did she say anything about having any money? A. No, sir.

Q. Did Mr. Richard Morey or Mr. Morey say anything about it? A. After she died in Tewksbury, he came to me and said he was going to Tewksbury to see about his sister's effects. I asked him what she had, and he said some clothing and some jewelry; and he informed me of this fact, if I understood him: that his sister had sent a fifty-dollar bill down the street to be exchanged, or to get some few articles before she left; and he informed me that, at that time, he didn't know this. Before she left Gloucester he had heard that she had sent a fifty-dollar bill down the street to be exchanged by some young woman or girl. —it might have been his own daughter, for aught I know.

Q. Now, is there anything else, Mr. Haskell, that you know about the case that you haven't stated? A. No, sir.

Cross-examination by Gov. Butler.

Q. Now, he told you he was going up there to try to get her effects, didn't he? A. Yes, sir.

Q. Did he speak about dresses? A. He said there were some dresses, some jewelry, and a shawl.

Q. And that she had a fifty-dollar bill, which she sent down to get changed the night before she went? A. Well, just before she went.

Q. Then, when he came back, he told you he couldn't find anything? A. I asked him — I saw him on the street. — and said, "How did you succeed?" He said he didn't get anything, but he had been advised to administer upon her estate. I asked him if he thought he would realize enough to pay the expense. That was all.

Q. He could not get anything, and he would have to administer; it was some time after he came back, wasn't it? A. A short time after, sir.

Q. Now, this woman, you say, was paralyzed? A. Partially, sir.

Q. So as to be substantially helpless? A. Yes, sir.

Q. He told you he was going up after her dresses, and after her jewelry, and after her money? A. Her effects, he said.

Q. Effects, he said; and then he spoke of dresses, jewelry and money? A. Yes, sir.

Mr. BROWN. He didn't speak of money.

Q. And, then, he came back and said he didn't get anything, and would have to administer, and you asked him whether he thought he would get enough to pay expenses; and that is the last you knew of it, I suppose? A. Yes, sir.

Q. (By Mr. BROWN.) Now, what was his answer when you asked him if he thought he would get enough to pay expenses; what was his answer to that? A. He said, "I don't know how I shall come out."

Q. Now, when he said he was going up to get the effects, did he mention money? A. Did he say money?

Gov. BUTLER. That is the time he talked about the \$50 bill.

The WITNESS. He then spoke about some articles of clothing, I think a shawl and a dress or two, and a little jewelry; and he says, "I have heard, since she went, that she sent a \$50 bill down the street to be changed, and to get a few articles with," and that is all that he knew about it.

Q. Now, did you understand from that that that \$50 bill was sent down street while she was at Tewksbury or before she went there, and while she was there in his family? A. That is what he testified, before.

Q. While she was there in his family? A. Yes.

Gov. BUTLER. That is my impression, that it was sent by his daughter.

Q. Do you know his daughter, Mrs. Munroe? A. No, sir. I know he has two daughters, one married.

Q. Have you ever had any conversation with Mrs. Munroe, the daughter, about this matter? A. No, sir.

Mr. BROWN. That is all.

Gov. BUTLER. That is all; much obliged to you, Mr. Haskell.

FRANCIS B. RECORDS (*recalled*).

Direct examination by Mr. Brown.

Q. You have completed these sheets, have you? A. Yes, sir.

Mr. BROWN. I want to put in these sheets; they are all made up the same way, — they were explained the other day, — 115 sheets.

Cross-examination by Gov. Butler.

Q. I want to ask Mr. Records a word or two about these. Mr. Records, these are the bills found in the auditor's office?

A. Yes, sir; the dates, and the names of the men from whom the goods were purchased, the amount, and, as near as I could describe, the purchase.

Q. And all this appears, also, in the auditor's report, — all the amounts? A. Yes, sir.

Q. Then, all you have done for us is to give us what anybody could find from looking at the bills and the auditor's report? A. Only that is itemized.

Gov. BUTLER. And the reports are not: but the bills are itemized.

Mr. BROWN. The names of the parties don't appear in the auditor's report, do they?

Gov. BUTLER. The names of the parties would appear in the bills, of course.

Mr. BROWN. But they don't appear in the auditor's report.

Gov. BUTLER. They don't appear in the auditor's report.

Q. You have gone back to 1861? A. 1861.

Q. Now, of course, the auditor's report, after what we have heard, that the bills, in the first place, were sent down and then the money drawn, and then the bills paid and filed as vouchers, — a schedule of the bills sent down, and then the money drawn and then the money paid, — of course the auditor's report and these bills should and do exactly correspond? A. I haven't got everything there, you will understand; I have got no bills of food, stock, clothing, or attendants, — that is, help.

Q. You have got neither salaries, food nor clothing, nor any expense except what kind of expense? A. I have got repairs, improvements, new buildings.

Q. Oh; then this is the outside account? A. Yes, sir.

Q. Have you got the outside appropriations, sir, in here?

A. Yes, sir; and they are so marked.

Q. Therefore, upon reading these tables we shall find the outside appropriations to meet these outside expenses? A. Yes, sir.

Gov. BUTLER. That is all, sir. I have no objection to their going in, except the expense of printing what will be substantially useless, so far as I can see.

Mr. BROWN. I am not particular about having it printed.

Gov. BUTLER. Well, I don't think it need be printed; I don't think it will do any good.

Mr. BROWN. I think if Mr. Records will bind it up in form and mark it, I will be perfectly content without its being printed.

Gov. BUTLER. It would make a large and very expensive piece of printing, as all tables are.

The CHAIRMAN. It seems to me it would be sufficient to have it put in and marked.

Mr. BROWN. I shall be perfectly content.

The CHAIRMAN. Let it be done so.

Mr. BROWN. Then, Mr. Records, if you will arrange these sheets so you can bind them together, and then hand them to the chairman of the committee.

Gov. BUTLER. Certify them.

Mr. BROWN. Certify on the last sheet how many sheets there are, and that you have identified them, and put your initials upon them.

Gov. BUTLER. And then put on the first page your testimony as it is taken down, or write it.

TESTIMONY OF FRANCIS H. NOURSE (*recalled*).

Direct examination by Mr. Brown.

Q. Now, Mr. Nourse, I want to ask you a question. Will you be kind enough to look at that paper [handing paper to witness] and see if that is the report which Mr. Thomas J. Marsh made to you or to your board? A. Yes, sir; it is.

Mr. BROWN. I won't put this in yet; I want to see if I have got all the sheets first.

Gov. BUTLER. That is the difficulty; how a man can tell this is all the report when it is in loose sheets.

Mr. BROWN. It is all marked.

Gov. BUTLER. I want to go into this marking; I don't understand this business.

Q. These sheets, Mr. Nourse, did you mark them in some way so you could identify them? A. I did.

Q. And you find these sheets, each, marked? A. All of them.

Mr. BROWN. Now you may hand them to the governor for his inspection.

The WITNESS. A general mark on the last part.

Cross-examination by Gov. Butler.

Q. Will you look at those and see if those were submitted? [Papers handed witness.] A. Those were not submitted at the same time.

Q. Will you look at that. [Another paper handed witness.] A. Those three were subsequent reports; those three sheets.

Q. Where is your mark? A. The "N" on each sheet.

Q. "N" in the corner? A. Yes, sir; and the full name, I think, put down on the recapitulation.

Q. All you can say is this, that these are the sheets of that report; but where are the rest of them? A. That is all that was submitted within the time.

Q. How do you know? A. I say that is all; I checked those off.

Q. Well, I know these are all you have checked off, but why might not there have been others? They are all loose. A. Well, sir, you look at the summing up; the last part will show.

Q. Yes; we shall find that the summing up agrees. When did you put that "N" on there? A. At the meeting when the report was made, in January.

Q. Sure about that? A. Yes, sir.

Q. Had you ever seen these sheets before that? A. Before that meeting?

Q. Yes. A. No, sir.

Q. What? A. No, sir; the record was that the report was received; and I put my name on, so I should be sure of the report.

Q. What? A. The record was that the report was received and it was ordered to be put on file. In order to recognize it I put my name on the last sheet.

Q. On each sheet? A. My name in full; on each sheet you will find "N."

Q. One, two, three, four, — and when was this received, in January? A. The date gives it, at the bottom, sir.

Q. And this date was put on in January, sir? A. Put on at this same day it was received. I can't swear that every sheet is there, but if the summing up agrees with this summing up here, then they will all be there.

Gov. BUTLER. You offer that, do you, Mr. Brown?

Mr. BROWN. Yes.

Gov. BUTLER. I object. This was received from Thomas J. Marsh, wasn't it?

Mr. BROWN. Yes.

The WITNESS. Yes, sir.

Gov. BUTLER. And is an account of what moneys he got for his connection with dead bodies?

The WITNESS. Did you ask the question, sir?

Q. Yes; this is his statement of what amount he received for what he did with dead bodies? A. This is the report he made to us of the whole number of dead bodies, and the amount received for them, and the amount paid out.

Q. (By Mr. BROWN.) Governor, will you let me ask one question, — whether this is in his handwriting. That whole thing is in his handwriting? A. I think it is, sir; it looks like it.

Gov. BUTLER. I don't ask you, now, sir, about what is in the report, because that will speak for itself.

Mr. BROWN. We won't talk about that. I won't try to put it in now; I want to hear what you have to say.

Gov. BUTLER. What?

Mr. BROWN. I won't put it in if you object to it.

The CHAIRMAN. I understood you offered that report.

Mr. BROWN. I do offer it, but I say I will not undertake to put in the contents, if he objects to it, till he has been heard.

The CHAIRMAN. Exactly; go ahead, then, Governor.

Gov. BUTLER. That is very different. I simply said to the witness that we wanted to know if it is a report about dead bodies; what is in it will speak for itself. Now, may it please the committee, here is the difficulty: shall a man come here and defy the committee when they order him to produce the original books from which a statement made by him is taken, and which he has used to justify his action as a public officer, kept to justify his action as a public officer, and put in a report or a statement or whatever you may call it, — it don't purport to be

a report, — but whatever you may call it, — shall he be allowed so to defy the committee on the one hand and get the benefit of what he says is in those books on the other? I think not. I cannot conceive of it.

The CHAIRMAN. This witness has not been notified to produce any books.

Gov. BUTLER. What, sir?

The CHAIRMAN. This witness has not been notified to produce any books.

Gov. BUTLER. I am not talking about this witness, sir.

The CHAIRMAN. The question is proposed to this witness.

Gov. BUTLER. No, sir; the question is not proposed; there isn't any question which concerns this witness at all. The question is whether a certain paper shall be put in in evidence. That paper is sworn to be a statement by Thomas J. Marsh of what he has done with dead bodies, and Thomas J. Marsh is the man I am dealing with, and the question is, Shall Thomas J. Marsh's statement, made to that board of trustees, be put in to exonerate him, when he stands in contempt of the committee and the House in not producing the original books from which that statement was taken? Will you so far, so far, forget your own dignity and your own position as to permit that? A witness is brought into court who is a sworn officer. He has kept his public duties on certain books; it becomes necessary to find out what is in those books and he is asked to produce them. He refuses; he declines; a peremptory order is made, by a unanimous vote of the committee, that he shall produce them.

The CHAIRMAN. By all who voted; there are some who didn't vote.

Mr. BROWN. And there was one who voted no.

Gov. BUTLER. Settle it among yourselves. If any of you want to back out; I don't care about it.

The CHAIRMAN. Seven voted in favor of it.

Gov. BUTLER. Just as many as want to take back water. I am willing. Now, by a vote, — that is enough for me —

The CHAIRMAN. Yes.

Gov. BUTLER. By a vote of the committee it was solemnly decided he should. Now, the counsel of that same man comes forward and says, I won't give you the original evidence; but, to exonerate myself, I will put in my statement made to somebody else. Will you hear it?

Mr. BROWN. Mr. Chairman, the governor's position this

morning is so amusing that I can't help indulging in a little statement of fact. I produced this witness, Mr. Nourse, and I asked him about this body business in the direct examination; that was done, you will recollect. And, in the course of that examination, I asked him in regard to the report which was made to the board of health, lunacy and charity. To that report, embodied in that book, His Excellency objected. I then found an earlier entry, — that was the entry of March 23; the meeting of March 23 of the board of trustees, — I then found an earlier record, the record of a meeting of the 21st of January, and I found that at that meeting that report had been submitted; that that report had been called for from Thomas J. Marsh, Jr., in answer to a call from the board of health, lunacy and charity, and that that report, having been received in January, was subsequently, at the March meeting, inserted, or, at least, embodied in the trustees' report to the board of health, lunacy and charity. Now, we had a discussion in regard to the admission of that record of the 23d of March, and also of the record of the 21st of January, and the committee admitted it. Then, when I came to ask Mr. Nourse how he made up that report which was addressed to the board of health, lunacy and charity, he stated that Thomas J. Marsh, Jr., made a report in writing to the board, which they took, and from which they made up their report to the board of health, lunacy and charity. Thereupon, His Excellency demanded that report. Well, I could not produce it, because I didn't have it.

Gov. BUTLER. I didn't demand that report at all.

Mr. BROWN. I beg your pardon; the record shows you demanded that report, and you said I should not go on till it had been produced. The record shows it.

Gov. BUTLER. Then it is the cussedest record that was ever made up.

Mr. BROWN. That may be; but it is the fact, nevertheless.

Gov. BUTLER. It is not the record.

Mr. BROWN. Now, I come in, in answer to that demand, and I offer to put upon the record the report which His Excellency demanded. Now, if he don't want it, I want to say to him that it is the last time he will ever have a chance to get it. If it is declined, — if it is refused, — I shan't press it; but I want the record to show that the thing he demanded, when I produced it, he refused to take. That is all.

Mr. MELLEN. Mr. Chairman,—I presume the committee understands the situation about as well as Mr. Brown. Admitting that most of what he says is true, I would have the committee reject this report,—this emasculated report—

Mr. BROWN. Excuse me ; I withdraw it.

Mr. MELLEN. Wait till I get through.

Mr. BROWN. No ; I withdraw it now.

Mr. MELLEN. You haven't got that privilege now ; I am talking now, sir ; the gentleman utters another threat. It is not only His Excellency that is concerned here, but this committee, as the representatives of the legislature ; and, if he can offer at will, and can withdraw at will, matter that is of interest to this committee, why, it is about time we knew it. He says, if you take it now,—because it is not the governor alone who is concerned, but the committee, --- we may have it ; but if we do not take it now, we can never see it again. That is, in substance, what he says, as he talked the other day, when it was not this report which the governor demanded, but it was the report from which this report is made up. It is that memorandum book of Thomas J. Marsh's the governor demanded, as the committee well understand. [Applause.]

The CHAIRMAN. Mr. Doorkeeper, I identify one man as applauding, and you may put him out, unless the committee order otherwise. The man standing back there in the corner. We have passed orders enough in regard to this disturbance. [The man pointed out by the chairman was removed from the room.]

Mr. MELLEN. Now, Mr. Chairman, that is the status of this case, and that is the position of this counsel. It appears to me he is acting very much like one of his clients, in contempt of the committee. Now, sir, I move that this report, as he calls it, of Thomas J. Marsh's, be placed in the hands of the chairman of this committee, and be held there till we have that book that Thomas J. Marsh made the report up from ; then it may come in, and should come in. [Applause.]

The CHAIRMAN. We will clear this hall if this nuisance is kept up ; we will sit here in silence. Mr. Mellen will you state why, if you choose to, because Thomas J. Marsh refuses a certain book, that the record of the trustees should also be rejected?

Mr. MELLEN. I have not made any such proposition. I ask that this particular document which is at issue now be put into

the hands of the chairman. As I understand it, it is a report made by Thomas J. Marsh to the board of trustees from a book, —a memorandum book. He picked out such items as he saw fit; and, as that gentleman, in my opinion, and, it seems to me, in the opinion of the committee, is in contempt, I don't think it should be entertained now; but it should be held, for fear that the counsel may do as he threatens, and that if we do not accept it now, we may never see it again. I think that ought to be a sufficient reason for this committee to say, We will take it, and when we receive that book that Thomas J. Marsh holds, we will contrast it with that book, and then we can tell of what service it may be.

The CHAIRMAN. Any other gentleman of the committee anything to say?

Gov. BUTLER. I believe I am entitled to the reply, sir, and I have not had it. Now, upon this matter I desire to address myself, in the first place, to the question of the chairman, — if there is any reason why the records of the trustees about this matter should not be put in. As I remember it, and I am reasonably certain as a man can be that I am right, the records of the trustees have been put in. I have read from them on this table to the committee, and given you the numbers of the supposed dead bodies, being the only record upon that subject that I could find in the book; both of us commented upon it. Now, then, there was a confusion of language here about reports and books. I asked to get the original books of his doings made by this public officer to this public board. The witness said there were such books, and that this man made a report, a statement, and that he examined the books in reference to that statement. Now, then, what have we got here in this little roll of paper? We have got nothing but the statement of Thomas J. Marsh, made with more or less correctness, from those original books, or made without reference to them, — that we don't know. Now, he expressly refuses to allow the committee to have the means of verifying their correctness, and then he has the cool defiance to come in here and ask the committee to receive his statement, and the legislature to receive his statement, in exoneration, when he refuses to the committee and the legislature the means of verification of that statement.

Mr. BROWN. I beg your pardon; he don't ask anything of the kind, or I don't either; I have withdrawn it.

Gov. BUTLER. Very well; then my mission is done, so far

as that is concerned. But the committee have a mission, and, if they will permit me, I will say a word upon that. If this is a part of the public records of the doings at Tewksbury, — on which ground the chairman considered it just now, and as it is claimed to be, and verified by the trustees, — this committee for more than four months have been, by their order, day by day, ordering to be put into their hands; first into mine, and then afterwards into their own when my case was in, so that the books might all be open to the defence, — which was perfectly proper, and to which I made not the slightest objection; I offered to give up all the instruments of evidence which came into my hands, including the empty coffin, as you will remember, — the committee have been, day by day, at my request, over and over again ordering the books, papers, public papers, — for my last request, at least, was broad enough, — and the custodian, the clerk, has been swearing here over and over again, that all those were produced, — now, upon the most important part of this investigation, what has been done with the dead citizens of this Commonwealth, the dead denizens, if you please, of the Commonwealth, the dead inhabitants of the Commonwealth, about which everywhere else the most careful records are required by law to be kept; and it was not supposed that any law would be needed to be made lest in an institution of the Commonwealth any wrongs would be done with them, and so we made no law against it any more than the Romans made a law against parricide, — the son killing the father, — they would not have a law which would presume that such a thing could happen, and, therefore, we had no law upon this case. Upon that matter the books have not yet been produced, the papers have not yet been produced, although they were included in the committee's order; and, now, a portion of these papers which we have asked for so many times, the report of one of the officers to the trustees, is found in the hands of counsel, and he coolly tells me that if I don't take it when he is willing to give it to me, I shan't have it ever. Who made him custodian of these records? Where does he get the power to take the public records of the Commonwealth from the chief executive magistrate of the Commonwealth? [Applause.]

The CHAIRMAN. I will have a detective force distributed around here, if necessary, if I can find any that are not engaged in the case, and see if we cannot have order. Mr. Doorkeeper, how many men have you got here with you? Mr. Innis, I wish

you would lend a hand here in this matter, and see if we can keep order here.

Gov. BUTLER. Now, then, there is a motion before the committee, and I am content that this paper shall be put in the hands of the committee to await the action of the legislature as to whether we shall have the books, and, when we have the books, I shall want to compare this paper with them. But I was objecting, — and it is now withdrawn, so that ends it, — to this report being received in evidence till then. But I don't mean to be threatened any longer; because, if it has come to be in this Commonwealth when the agent of an understrapper of this government can defy the executive, the right of the executive of the Commonwealth to have the records of his duty as a public officer in his report, I want to know it; and if there isn't any law which will give me control of it, I will find some way to have a law passed by the legislature, for I believe there is virtue enough in it to do it. Why, was there ever such a spectacle on earth! Here I am, doing my duty, as I suppose, — at any rate it is not for anybody else to question it but the legislature, — in endeavoring to get evidence before a committee of the legislature about the transactions of a public institution of the Commonwealth. And when I ask for a document that the committee has required to be produced over and over again, of a portion of the records of that institution, I am coolly told by the counsel of a late officer, Take it now, when I offer it to you; you will never have it again. And the committee are told so, too, at the same time; because we are both engaged in a public duty, with different ideas, perhaps, of how we should perform it; but we belong to the same government, we are charged with the same public duty, and we are responsible to those who have charged us for the way we execute it and for the honor of the Commonwealth. I say such language should not be used to its executive, nor should such language be used to the committee by anybody. I ask for a public report from a public officer. Why, if he carries it away, he steals it, and there will be another place to investigate that. Now, shall that be done? It is a question for you to decide. If I cannot have the instruments of evidence it is no use for me to go on here, or you either. What shall we know about this? If here a little and there a little can be dealt out to us, just according as it is thought, by a trick or otherwise, will enable them to cover up these actions, what do you know, what do I know, what do any of us

know, about these matters? And I have called your attention to it, in order that it may stand before you as it stands before my mind.

Mr. BROWN. Mr. Chairman—

The CHAIRMAN. Here is the record, on page 2613 :

“ Gov. BUTLER. All right. That is exactly as it should be, and that only proves that Thomas J. Marsh, Jr., made a report, which report we don’t see yet.”

“ Mr. BROWN. We are not allowed to see it.”

“ Gov. BUTLER. “ Pardon me ; I want the report.”

“ Mr. BROWN. We are not allowed to see that, under the objection which His Excellency takes, that nothing but the record is evidence.”

“ Gov. BUTLER. I have said to the committee, over and over again, that reports would be evidence, made in the usual course of business, but not what somebody says was the report. The difficulty is, they don’t produce the report, but they produce a letter in which somebody says something there was in that report. That is a plain distinction.”

I go further than Mr. Mellen. I think the report should be in the hands of the committee, and I don’t see that it is not competent evidence. We may wait a month, or two months, to ascertain that Thomas J. Marsh cannot be compelled to produce a memorandum book ; and is the committee to be deprived of the record because another witness may, or may not, be in contempt?

Mr. MELLEN. Mr. Chairman, I will answer that.

The CHAIRMAN. Very well.

Mr. MELLEN. I say that Mr. Thomas J. Marsh, through his counsel, should not be permitted, if this committee respects itself, to smuggle in just so much of testimony as may be favorable to him, and withhold that which may be detrimental.

The CHAIRMAN. I don’t see any smuggling.

Mr. MELLEN. Well, sir, I conceive that it is nothing else. If this goes in, it should go in in its entirety, in its entity. And the report which the governor wanted was the memorandum book from which this document was made up. That was what Governor Butler wanted, and that was what the committee ordered Thomas J. Marsh, or his counsel, to produce.

The CHAIRMAN. Exactly.

Mr. MELLEN. That he has refused to produce. Now, I think it is the duty of the committee to emphatically decline any testimony from that gentleman till he produces that book ; and,

surely, this is a bit of testimony which that gentleman, or the counsel, wishes to get in here.

The CHAIRMAN. This is not a bit of testimony of Thomas J. Marsh, at all.

Mr. MELLEN. What else is it?

The CHAIRMAN. It is an official report of the board of trustees of the state almshouse at Tewksbury.

Mr. MELLEN. It is a report to the board of trustees that Thomas J. Marsh made.

The CHAIRMAN. I don't care what the source is; it is an official report of the trustees. The question is whether it shall be accepted.

Mr. MELLEN. Mr. Chairman, right there, do I understand you to say that this is a part of the report of the trustees?

The CHAIRMAN. As I understand it, this is a report of the trustees.

Mr. MELLEN. You misunderstand it; because, as I understand it, the report of the trustees is in. This is a report that was sent to the trustees, from which they made up their report. The point I make is that that was only a partial report that Thomas J. Marsh gave them to make up their report from. If he gave the entire report, well and good, but he did not; and because it is a partial report, and he declines to give us the entire report, I say, then, don't accept it, but permit this partial report to come in till we have the entire report.

The CHAIRMAN. I understand this is the report of the trustees, including the figures made by Thomas J. Marsh.

Mr. MURPHY. It is a report from Thomas J. Marsh to the trustees.

Mr. BROWN. It is a part of the record of the trustees, and the record which has been read shows this report was received and placed on file; and this gentleman, as a member of the board of trustees, has identified it as that paper which was received on the twenty-fifth of January and placed on file. I never had any knowledge, till His Excellency called my attention to that record at the hearing before the last, that that report had been received and made any part of the property of the trustees. I presented it here and said what I did with regard to it, because the record itself shows that while I was making the direct examination of Mr. Nourse the governor demanded it, and I produced it as quick as I could. Now he rejects it. Now, I want the committee to tell me whether they

consider that record a part of the public property and part of the records of this institution; if they do, it is in, and I have the right to read it, the same as I had the right to read the register of inmates, and that is what I shall proceed to do.

Mr. MURPHY. I thought you had withdrawn it.

Mr. BROWN. I withdrew it from His Excellency; but I never withdraw anything from the committee which they say is public property, never.

Mr. MELLEN. I beg his pardon, Mr. Chairman; he keeps from us that which we have already said we want. I want the gentleman to be consistent.

Mr. BROWN. I keep from you property which is not public property.

Mr. MELLEN. We have determined by our vote that it was public property. If it was not public property we should not have ordered Mr. Thomas J. Marsh to bring it here.

Mr. BROWN. I should like to have that vote read which says it is the property of the institution.

Mr. MELLEN. It was put in all sorts of ways, and all sorts of phrases, so that there should be no misunderstanding, that it was this memorandum book from which this report was made up, and that presupposes it to be a part of the property of the Commonwealth.

The CHAIRMAN. I think it should be received.

Mr. MELLEN. I made a motion, Mr. Chairman.

Mr. RISTEEN. I hope this committee won't go back on its self-respect so far as to receive that report till the original report of Thomas J. Marsh is in. I don't think the committee will do such a thing.

The CHAIRMAN. Then, if the original report is not to be received, the committee is to be sacrificed on account of the refusal of Thomas J. Marsh.

Mr. RISTEEN. We already have the report of the trustees.

Mr. MURPHY. What is the use of having a report which we suppose is false, or have reason to suppose is false, because, if it was not, he would produce the book.

Mr. MELLEN. Mr. Brown gave me a piece of information I didn't know before, that when the order was passed that Mr. Thomas J. Marsh should produce this book one member of the committee voted no.

Mr. MURPHY. The chairman said two voted no.

The CHAIRMAN. No; I said seven voted yes.

Mr. RISTEEN. I think the vote was unanimous, and I hope the committee won't go back on the record, and allow this thing to be done.

The CHAIRMAN. I don't think the committee will sacrifice any self-respect.

Mr. BROWN. All I ask is this, that if this paper, which is referred to in the record of January 25th, and placed on file, and is identified by this witness, — if the committee decide that is public property, then I understand it is in the case, and I put it in, and I hand it to the committee as their property, public property, part of the records of this institution, which the governor says he has been four months trying to get. That is all there is about it; I didn't know it before the other day.

Mr. MELLEN. I suppose that this is one of the adroit methods of the counsel to make good his case as far as he can. Now, sir, I made a proposition a while ago, a motion, and it seems to me it is in the line of the duty of this committee to entertain it and approve of it, that this report of Thomas J. Marsh be placed in the hands of our chairman, and that it be held, and not considered till the balance of the report, or the memorandum book, is in the hands of our chairman.

Mr. MURPHY. And I second the motion, Mr. Chairman. I think it is a fair proposition, and I don't see how the committee can, consistently, after the action in executive session not to hear any testimony from Thomas J. Marsh till those books were produced, — how they can, consistently, receive this testimony, because it is nothing but testimony from him.

The CHAIRMAN. It is a part of the record, as I understand it.

Mr. MURPHY. It is a part of the record of these books.

The CHAIRMAN. Verified by the trustees and approved. Are the committee ready for the question?

Mr. LEARNARD. I move, as a substitute, that the report be received as testimony.

The CHAIRMAN. You hear the motion of Mr. Learnard of the committee, that the report be received.

Mr. MELLEN. That is not really a substitute, because my motion does not debar it from being received as testimony. It is to be held as testimony, but not to be considered till we have the balance of the report, or the book from which it is made up.

The CHAIRMAN. I think you take into view eternity as well as time.

Mr. MELLEN. I don't do anything of the kind: I take into view that the House will sustain the committee and order the man who defies us to come before the committee with the books, and do it speedily.

The CHAIRMAN. The question is a fair parliamentary question to substitute Mr. Learnard's motion.

Mr. MELLEN. I won't higgie about that.

Mr. MURPHY. It is parliamentary; there is no question about that part of it.

[The motion to substitute Mr. Learnard's motion was rejected, 3 to 5.]

The CHAIRMAN. The question now is on the motion of Mr. Mellen, that the paper be placed in the hands of the chairman to be held till the books are produced.

Mr. BROWN. I should like to ask a single question before that is put.

Mr. MELLEN. I object to Mr. Brown's asking questions now. He has been allowed to talk on this same point a number of times and I don't think it is wise for us to procrastinate or permit him to.

Mr. BROWN. I only want to ask the question as to whether this record is public property; because, if it is, I have no business to hold it.

Mr. MELLEN. Mr. Chairman —

Mr. BROWN. And if it is not I have a right to hold it notwithstanding the vote of the committee.

The CHAIRMAN. I think we will put it to vote.

Mr. MURPHY. Let Mr. Brown decide that question himself after we have voted.

Mr. BROWN. I will; I will.

The CHAIRMAN. The committee understand the question now is that this paper be placed in the hands of the chairman of the committee to be held till the books are produced by Thomas J. Marsh.

[The motion was carried, 6 to 2.]

The CHAIRMAN. Let the paper be placed in the hands of the chairman.

Mr. BROWN. Yes, sir; I will do it.

Gov. BUTLER. Let it be done.

Mr. BROWN. I suppose you never do anything till you can do it. There is no doubt but it will be done, sir.

Mr. MURPHY. Did I understand you to say it would be done?

Mr. BROWN. Yes, sir; it will be done.

The CHAIRMAN. Have you anything further with Mr. Nourse?

Gov. BUTLER. After that paper is in the hands of the committee I may.

The CHAIRMAN. Where is the paper, Mr. Nourse?

Mr. BROWN. I have the paper, sir, but I have sent it to my office, in the custody from whence it came, but I have sent for it now, and it will be here very soon.

Gov. BUTLER. It may be changed before it gets back; who knows.

The CHAIRMAN. I didn't understand what you said, Governor.

Gov. BUTLER. I said it may be changed before it gets back.

Mr. BROWN. You said you liked that thing done; it may be agreeable to you.

Q. (By the CHAIRMAN.) I understood you to say in your direct testimony, that you looked over the report, examined the memorandum books of Mr. Thomas J. Marsh in making up the report? A. I examined the report, and compared the report with his book.

Q. With his book? A. Checked the books off in making up the report.

Q. These books were small pass-books? A. Yes.

Q. And you said there were four or five? A. Memorandum books; I should think somewhere from three to five; I can't say exactly.

Mr. MELLEN. Now, Mr. Chairman. I can't conceive for the life of me why the counsel should send that document from this room while the question was pending as to the disposition of it. I don't think that is a proper thing to do; I think it is highly improper.

Mr. BROWN. I am very glad to take your opinion, sir.

Gov. BUTLER. It is a part of the boy's play that has been allowed to go on here.

Mr. MELLEN. Trifling.

Gov. BUTLER. Trifling.

The CHAIRMAN. There has been a good deal of trifling on both sides.

Gov. BUTLER. I didn't ask your opinion on that, sir.

Mr. BROWN. Nor I didn't ask yours, either.

The CHAIRMAN. And I want you to understand I didn't ask your opinion, either.

Gov. BUTLER. All I want to say is I shall not submit to impertinence from the committee.

The CHAIRMAN. You will have to.

Gov. BUTLER. I know I shall have to, because I can't stop your impertinence.

The CHAIRMAN. The impertinence must not be all on one side.

Gov. BUTLER. I said nothing, except to say that it was boy's play for the committee to be trifled with.

The CHAIRMAN. That is impertinence to the committee.

Gov. BUTLER. Why so, sir?

The CHAIRMAN. I don't care to argue the question.

Gov. BUTLER. Boy's play for the committee to allow the counsel, while they are examining the question of the introduction of a paper before them, to send it out of the room, so he cannot obey the order.

The CHAIRMAN. I can't argue the question.

Gov. BUTLER. I know you can't.

The CHAIRMAN. If it is not brought here, that will be the end of it. If there is any other testimony we will go on with it.

TESTIMONY OF CHARLES B. MARSH (*recalled*).

Direct examination by Mr. Brown.

Q. Have you read the testimony of Mr. Fairbanks with regard to his examination of the book called the book of inmates' cash? A. I have.

Q. Have you got a memorandum of the criticisms which he has made upon the inmates' cash-book? A. I have.

Mr. BROWN. If you have, please refer to it.

The CHAIRMAN. What page is that in the testimony?

Mr. BROWN. You will find the testimony in several places; pages 766, 767, 904 to 992, 1050 to 1127, and 1153.

Q. Now, in regard to the inmates' cash, have you made a careful study of that subject, to see if there is any other way in which that book can be kept? A. I have; and I have tried to keep it in the most convenient way.

Q. Have you consulted the experts called here by the governor—Mr. Fairbanks and Mr. Records? A. I have had some talk with Mr. Records about it.

Q. What opinion has he given you, if any, upon that subject?

Gov. BUTLER. I object. I don't propose to have the opinion of experts put in here second-hand.

Mr. BROWN. I propose to show that the governor's own witness says that this thing can't be done in any better shape than it has been done.

Gov. BUTLER. Then let him show it by the testimony of the expert.

Mr. MELLEN. Let him bring him on the stand.

Gov. BUTLER. Let him bring him on the stand, and not sift it through this witness.

Mr. BROWN. I will withdraw that question for a moment.

Q. Have you had any conversation with Mr. Fairbanks about it? A. I don't recollect, distinctly, any conversation I had with him.

Q. Upon that subject? A. Yes, sir.

Gov. BUTLER. If Mr. Records has said that, I should like to hear it from him.

Q. Now, what sums of money, — in the first place, this book is simply a memorandum book, is it? A. It is a memorandum cash-book.

Q. Now, what sums of money are called for, — take the smallest and the largest, — in the course of your business? A. Do you mean the amount brought there?

Q. No; I mean the amount called for by inmates from time to time. A. Well, it depended on what they wanted; where they were in the institution. If they were in the hospital, they required one thing; if they were men at work, out on the farm, they wanted tobacco and snuff, and such things.

Q. I mean, take the amount; do they call for an amount as small as ten cents? A. They have called for seven cents. That, I believe, is the smallest amount ever called for. That was when the price of tobacco was seven cents, and they would come and get it, and it was recorded on the cash-book. After the price of tobacco went up to eight cents, that is what they would call for. Sometimes they would call for a quarter or fifty cents.

Q. Could you take receipts for these sums of money? A. I suppose I could, but it would take me pretty much all the time to do it.

Q. Many of these men can't write nor read, can they? A. The majority of them can't write.

Q. And then you would have to have a witness to the payment of the money? A. Yes, sir.

Q. Well, till this investigation commenced, did you ever hear of an inmate who complained because he didn't get his money? A. I never, till I came into this room. during the 30,000 people I have dealt with, have had one word of complaint from any person that they were not perfectly satisfied with the settlement made.

Q. Did you ever hear any complaint from Mr. Ludwig or Mr. Johnson? A. Mr. Ludwig I never saw in my life till I saw him in this committee-room.

Q. How about Mr. Johnson? A. Mr. Johnson I have seen and have talked with him.

Q. Did he ever make any complaint that there was any error in his cash? A. I never heard any. He always seemed satisfied with the amount I gave him.

Q. Now, take this case of Ellen Allen; was there any such amount received as \$150. or anywhere thereabouts, when Ellen Allen was admitted? A. No, sir.

Q. Ellen Allen was No. 51,802, was she not? A. That is the number on the book and the number here [referring to paper]; yes, sir.

Q. And what amount of money did she have? A. She had, when she died, one dollar.

Q. Has there ever been any erasure or any change of that entry? A. There may have been an erasure there; I should think there had been.

Gov. BUTLER. I thought so this morning, and it was contradicted.

Q. Now, what does the September 26 refer to? A. September 26 is the date this money was turned into the state treasury.

Q. Now, from the time she died till the time that money was turned into the state treasury, did anybody ever make any demand on you for the money of Ellen Allen? A. No, sir.

Q. Were you ever notified that any letters of administration were taken out upon her estate? A. Never heard of it till I heard it here in the committee-room.

Q. Did you ever hear any complaint that anybody ever came to the almshouse to get her clothes and jewelry and could

not get them? A. I don't think I ever did; I don't remember.

Q. Did she have any silk dresses? A. The dresses are something I know nothing about.

Q. You never heard of any? A. Never heard of any.

Q. Did she have any jewelry you ever heard about? A. Nothing in my possession.

Q. Nothing ever left with you? A. Nothing.

Q. Now, take the testimony, the memorandum which you have of the testimony of Mr. Fairbanks, and go through and explain the criticisms which he has made upon it.

The CHAIRMAN. I want to find that testimony, if I can, where Mr. Fairbanks went through the fifty-four cases of erasure, if any one can tell me the page in the testimony.

Mr. WOLCOTT. I think it begins on page 917; I think that is the portion of Mr. Fairbanks' testimony to which you refer.

The CHAIRMAN. I should say that was it.

Mr. BROWN. Go on, Mr. Marsh.

The WITNESS. I find, in looking over his testimony, that the erasures —

Q. (By Gov. BUTLER.) How have you got them; alphabetically? A. No, sir. When I went over them I didn't have the books; he had the advantage of me, he had the cash-book, and I didn't. I simply took his testimony, and when I had a chance to get the books I did so. I took this from the testimony of Mr. Fairbanks, and I think I got the gist of what he said.

Gov. BUTLER. I only wanted to know, so I should be able to follow you, where you got it.

The WITNESS. I should like to state generally, before I go into this, — it may require a little explanation, and I think I am entitled to it, — I found over twenty cases where he speaks of erasures where the people have been discharged from the institution and the money paid them; a settlement was made and the people went out; they received what they had at the institution.

Q. (By the CHAIRMAN.) Can you identify these twenty cases? A. I can, sir; it may be twenty odd, but there are twenty, surely.

Q. (By Mr. BROWN.) Just identify them, Mr. Marsh. A. The first one is Michael Sullivan, No. 34,762. Michael Sullivan was discharged from the institution Nov. 22, 1878, and was paid his money, according to the cash-book.

Q. And you have never heard anything from it since? A. Never heard of him or his money since.

Q. (By Gov. BUTLER.) Was that a case of an erasure? A. That was a case of erasure. Georgie Blair, 34,661; discharged from the institution, June 15, 1870, and was paid.

Q. (By Mr. BROWN.) Never heard anything from him since? A. That was a woman.

Q. Take the next case.

Q. (By Gov. BUTLER.) Thirty-four thousand and — A. 34,661; Blair, Georgie; discharged and paid June 16, 1870. There is an erasure on the book, and there is no attempt made to conceal it.

Q. (By Mr. BROWN.) What is that? A. There is an erasure on the book, and no attempt made to conceal it. Anybody can see it by looking at it.

Gov. BUTLER. By looking at it carefully enough.

The WITNESS. You don't have to look very carefully to see any of my erasures.

Gov. BUTLER. Wait a moment; we may as well test that now. Georgie Blair. [Book handed to the committee by the governor for inspection of the entry.]

The WITNESS. In the case of Elizabeth Cassidy, where there is an erasure, there is also a pencil-mark showing that the money left on deposit —

Q. That is, an erasure has been made by somebody since it left your possession? A. No, sir.

Q. When was it? A. These pencil-marks were probably my erasure, showing that payments had been made from the amount of money, which accounts for the erasure of the amount of money on the books.

Q. (By Gov. BUTLER.) Why should there be an erasure? A. Because that was the system of keeping that book. It may not be the best one, but it is the one always followed in keeping that account.

Q. That is, when you got through you would — A. Yes, sir: I did. I made that statement when I came on the stand; that is my original statement.

Gov. BUTLER. Then I don't think we need to go over this particularly; because, I understand now, the testimony is, that when he got through, his method of keeping his cash balance was, he added up and struck out the original, whatever it was, and put down what he said was left.

THE WITNESS. And Mr. Records does not give me credit for erasures where I think I ought to have them.

Q. (By Mr. BROWN.) Mr. Fairbanks, you mean. A. Mr. Fairbanks; and there is a case here. There is a case here of Lydia Sholes; the amount standing to her credit is \$4.12; there is turned into the treasury from her account, \$87.84. There is also an erasure there. Mr. Fairbanks does not tell the whole story.

MR. BROWN. He stopped before he got to that, did he?

Q. (By Gov. BUTLER.) Does he speak of her? A. Yes, he does; and he could not account for it, how she had \$87.84. I could have accounted for it, and he could have if he had looked into it a little more.

Q. (By the CHAIRMAN.) Didn't he explain that a little more? A. I could not see it afterwards.

Gov. BUTLER. He did explain it.

THE WITNESS. I don't know how he could explain it.

Gov. BUTLER. You said a moment ago he could.

THE WITNESS. He could have told it was \$84.87 to her credit on the cash-book, but he could not tell where it came from.

Q. (By Gov. BUTLER.) Where did it come from? A. She had eighteen sovereigns in gold, which I sold, and turned into the treasury in addition to the money already turned in. She had eighteen English sovereigns, which I turned into the state treasury.

Gov. BUTLER. Lydia Sholes. [Referring to the book.]

THE WITNESS. An erasure; eighteen sovereigns in gold, and that money was sold and turned into the state treasury; and you will find it on the cash-book.

Q. Is that your figure, 47? A. That is \$1.47, payments. Those are payments at different times. Here is also an erasure, in the case of a man, who, by the history, appeared to have one dollar. I traced that money out with the cash-book, and found that he had \$21. There was an erasure there, also. Mr. Fairbanks didn't deal with that so much as he did with some others.

Q. That is, you took off the two? A. No; I added 20. I also found an erasure in that case.

Q. Won't you give me that; I want to find what the erasure was. What number is that? A. That is 36,446.

Q. What name? A. Patrick Maliher. Mr. Wrightington's history was brought in here to show me how much money

he had; that showed one dollar; my book showed he had twenty-one. [Referring to the book.] March 8, 1871, Patrick Maliher, \$21. He absconded, and on the cash-book of the institution the \$21 is turned over into the state treasury, and if Mr. Fairbanks had taken the pains to have looked it up he would have found it.

Mr. BROWN. You call that an expert: a government expert.

Q. He had one dollar and you found twenty-one; what was the necessity of having an erasure there? A. I don't know, sir; that was a great many years ago; I simply go by the record. I can't remember entries made in 1871.

Q. Was this book kept by you at all? A. Yes; I used part of it.

Q. Use this part of it? A. This book appears to have been copied from some other, the original of which I have not been able to find. This was kept by the clerk who preceded me. That goes back to 1870. My memory is pretty good but not enough for that.

Q. (By Mr. BROWN.) This case is not in your handwriting, is it? A. Yes, sir; this is in my handwriting.

Q. (By Gov. BUTLER.) The man had one dollar by the record and you made him have \$21; what was the necessity of erasing under the twenty-one? A. I don't know that he had one dollar, originally. The history that Mr. Wrightington had showed he had one dollar; possibly my book may have shown five. Our books didn't always agree, for the reason that I saw the money and they didn't. The man who made that record took the man's statement, but I saw the cash.

Q. If he had twenty-one dollars why didn't you put it down without erasure? A. He probably had twenty sent him by mail, came to him after he was there, and that was added to the amount on my book; and that money I turned into the treasury, as my cash-book will show. Margaret Nolan was noted. She appeared to have \$10, in one place, — her name is reported as appearing in two different places, — ten dollars to her credit in one place and five in another not accounted for. The ten dollars was paid to her September 27, 1871; and the item of five dollars was paid into the state treasury after she died September 29, 1874, which was also on the cash-book and Mr. Fairbanks didn't follow that up.

Q. Give us the whole of this Margaret Nolan. A. She came in September 18 and had \$10, — that, by the way, is not

my entry, — and was paid September 27, 1871. Margaret Nolan came in December 23 and died.

Q. The same Margaret? A. I don't know whether she was the same woman or not; but the woman who had the five dollars came in and died, and that five dollars was turned into the state treasury and is on the cash-book.

Q. The whole entry is under an erasure, there; the date, the name and the money. A. That is not my erasure; no erasure of my entry; that entry is made by somebody else. That shows that the money was paid, and the next one, the money is accounted for by being turned into the state treasury.

Q. When was it turned in? A. The five dollars was accounted for September 29, 1874. By looking on my cash-book that date, you will find it.

Q. What time did she die? A. She was admitted December 23, 1871.

Q. When did she die? A. That record I have not got here; it will appear on my register.

Q. What is her number? A. Her number I have not got.

Q. She came in December 23? A. December 23, 1871; the register will show the register number.

Q. And will show her death? A. Yes, sir.

Q. And that got paid into the state treasury when? A. September 29, 1874.

Q. And when did she die? A. August 7, 1874. [Referring to the record.] And the register number is 30,058. I don't know whether that was the one or not.

Q. What time was she admitted? [Referring to the record.] This one was admitted December 23, 1869. A. I have looked that up and I think I am correct. I think I shall insist upon my date — 1871, because I looked it up.

Gov. BUTLER. However, it is not of any consequence.

The WITNESS. The case of Joseph Ludwig was cited as a man who came into the institution with \$37. That man I never saw in my life until I saw him in this room. I gave his permit, which he came to the institution on, to Mr. Brown, and there is not a pencil-mark on it; and I always put a pencil-mark on, to show their condition, occupation, address of friends, etc. There is no pencil-mark on it, and never was. The day he was admitted I came to Boston with the annual report, to file it with the Secretary of State. I think the date of his admission will show that he was admitted on that day; where this money is

entered, \$3.77, there is no erasure of any kind. His number is 63,992.

Q. He was there? A. He was there and I never saw him. The money was brought to the office by the nurse of the hospital, and I have no more doubt of his honesty than I have of anybody's; I believe he was a thoroughly honest man. He brought to me \$3.77 and a watch. During Ludwig's stay at the institution he drew one dollar. That money was paid to him, or to the nurse of the hospital, who came after it. When he left the institution I never heard any complaint from him, Mr. Doane, or anybody else.

Q. (By Mr. BROWN.) Did that money go into his hands, Mr. Marsh? A. That money was paid to Mr. Doane, — Mr. Wrightington's officer.

Q. (By Gov. BUTLER.) A very small share of what he said was there? A. He claimed \$37. The money on the book was \$3.77; that was all that was ever brought to the office. The case of Sophia Shroeder, No. 61,591. This is accounted for in the cash. She had, when she entered, \$9.20. There is an erasure in the place of the tens, it is said. There is no doubt about the erasure. Accounted for as \$1.20. There are pencil-marks showing that \$8 had been paid over to her. She was in the hospital. The woman I remember well. She would send to the office for money for oranges, or anything that she wanted or the doctor ordered, and they always got what they sent for. There would be no trouble if I could take this money and put it in a package, and put it away; but where you pay it out piecemeal you cannot stop to take receipts, and you are at the inmates' mercy all the time. If anybody can suggest any way of doing it, I would like to have them.

Q. (By Mr. BROWN.) Now, have you gone through the list? A. I have not. I have gone through enough to show the system.

Mr. BROWN. I would like to have you go through all of them, because I think it will be seen that Mr. Fairbanks made some egregious mistakes.

Gov. BUTLER. We haven't seen any yet.

Mr. BROWN. Well, only \$20.

Gov. BUTLER. None at all.

The WITNESS. No. 35,056, the case of Thomas Duane. Admitted with \$7.25. He says 7 over erasure. The erasure was

not made by me. I know nothing about it. It cannot be brought up as a case against me.

The CHAIRMAN. It will take some time to finish that?

The WITNESS. There is considerable of it.

The CHAIRMAN. Shall we adjourn until half-past two?

Gov. BUTLER. How late do you sit in the afternoon?

Mr. BROWN. I would suggest that it is only half-past twelve now, and that we would lose too much time by waiting until half-past two.

The CHAIRMAN. Shall we come in at two? Adjourn until two o'clock.

FIFTY-SEVENTH HEARING.

MONDAY, July 9.

The committee met in the Green Room at 2 P.M., Senator LORING, of Worcester, in the chair.

TESTIMONY OF CHARLES B. MARSH (*continued*).

Direct examination by Mr. Brown resumed.

Q. Mr. Marsh, take the next item, please. A. The next is 35,104, Hannah Donnell. I find charged to her in the cash-book \$50. She died Oct. 17, 1870. In the cash-book is entered \$33. There are erasures of pencil-marks in the cash-book, showing that cash payments had been made.

Q. (By Gov. BUTLER.) Let me see that case, will you? Is it in this book or the other? [Large and small cash-books.]

A. It is in the other, I think.

Q. What was the number and name? A. Hannah Donnell, 35,104.

Q. How much on the cash-book? A. In the cash-book, \$50. I find in pencil at the side of it, in some one's writing, not my own, \$33, and erasure of pencil-marks, showing that payments had been made from the \$50.

Q. That is to show that she had \$50, and it still remained \$50? A. No, sir; \$33 was paid over to the state treasurer.

Q. She had \$50, and then there is an erasure of the \$50, and \$33 put in? A. No, sir; the \$33 is at the side of the \$50, and the \$33 was turned over to the treasurer.

Q. (By Mr. BROWN.) Take the next one, Mr. Marsh. A. The next is 32,768, Robert Kearise. That is an entry that was brought up as being a thing against me. It was not made by me at all, and I know nothing about it.

Gov. BUTLER. Pardon me; no entry has been brought up against you.

The WITNESS. My name has been familiarly connected with it.

Gov. BUTLER. The man who kept that book.

The WITNESS. I kept the book, but it was not my entry.

Q. (By Gov. BUTLER.) Whose was it? A. It was the man who preceded me; not mine at all.

Q. Henry Moulton? A. Yes, sir. I find that person was discharged July 5, 1869, and the money paid. The next is 34,768, Bridget Kelley. It says: erasure and date inserted; no alteration in the money. I don't know why that case was mentioned, unless it was to show the principle. The money was paid Feb. 3, 1871. The next one is 35,981, Mary Lyman: paid April 27, 1871. There was an old entry made, and a pen drawn through it; no attempt to conceal it; simply scratched out with a pen. A fresh entry was made, and no erasure against it. That is another that was called up.

Q. Was that you, or the other clerk? A. That was myself. The next one is 35,786, Mary Mitchell. Simply a change in the date. The money was paid Dec. 9, 1870.

Q. (By Mr. BROWN.) Paid to whom? A. To the person who brought it.

Q. (By Gov. BUTLER.) Any erasure? A. Nothing but a change in date. No change in the money at all. Next is the entry of Patrick Mallier. I think I referred to it before; \$21. Mr. Fairbanks said the money could not be accounted for. That is accounted for by finding it on the cash-book as being turned over to the treasurer.

Q. Won't you show it to me? A. Has the cash-book been brought up?

Mr. INNIS. Mr. Records has gone after it.

The WITNESS. Absconded. That is the one. That money is accounted for in the cash-book of the institution.

Q. What cash-book? I will send for it. A. I don't know; it is the one corresponding to that.

Q. What date? A. Probably in September, 1871 — perhaps.

Gov. BUTLER. Go get the other book.

The WITNESS. Mr. Fairbanks said the money could not be accounted for. It is on the cash-book. The next is 36,590, Susan McClusky. I find the inmate was discharged June 19, 1871, and the money was paid to her.

Q. Any erasure? A. No erasure. The remark was made that she does not appear on the cash-book. There is no reason

why it should be, because it was paid to the person who brought it.

Q. [Referring to the cash book.] The first one I have got here is Hannah Donnell, 35,104. It is not in this cash-book, is it? A. There is \$33 in pencil, and \$50 stands to her credit on the cash-book.

Q. Whose is that? A. That I think is Mr. Fairbank's; that \$33 is not mine.

Q. Here was an erasure? A. Yes, sir; and under that you will find figures in pencil-mark, and if you will take a glass you will find where they have been rubbed out with a rubber.

Q. Very likely. That is the right date, is it not? A. Yes, sir.

Q. What do you mean by that? A. I mean that where payment was made the memorandum was made on this line.

Q. Can you show me any in this book that are not rubbed out? A. Yee, sir. There are some. [Indicating].

Gov. BUTLER. Let me see.

The WITNESS. You will find them all through the book.

Gov. BUTLER. Well, sir, go on.

The WITNESS. The next is 32,552, John Reardon.

Q. Reardon? A. Yes, sir.

Q. Thirty what? A. 32,552.

Q. That is in this book? A. Discharged May 3, 1869. That is not my entry.

Q. I don't know that anybody has said it was; has there? A. No, sir; I thought Mr. Fairbanks was examining my work.

Q. No, sir. He was examining the books of the institution. How should he know? A. Well, he seemed to connect me with it all the way along.

Gov. BUTLER. Pardon me; because you are the book-keeper now.

The WITNESS. That is Mr. Moulton's writing.

Gov. BUTLER. I won't make any comparison between my opinion of Moulton and you; I don't do that.

The WITNESS. I am simply accounting for the entries I find mentioned in his testimony.

Q. Whose handwriting is "May 3, 1869" in? A. That, I should think, was my brother's.

Q. So you all had a hack at it? A. Anybody could who got at it. It was in the safe.

Q. Anybody who chose to could go and make entries? A. No, sir; anybody who had the right to.

Q. Had your brother the right? A. Yes, sir; he had a perfect right to in my absence.

Q. And of the money? A. Yes, sir.

Q. All right. There was an erasure. What was it before it was erased? A. I had nothing to do with it and I cannot tell.

Q. And that entry of date and that two are evidently in the same ink, aren't they? A. I should think that two was Mr. Moulton's and a different ink from the other.

Q. When did you first see that there? A. I saw it when I came to look up Mr. Fairbanks' testimony.

Gov. BUTLER. All right.

The WITNESS. The books have been in the committee-room ever since. The next is 34,457, Fannie Smith, paid July 15, 1870. She was discharged from the institution and the erasure was in the date.

Q. It is in this one, I suppose? [Referring to the cash-book.] A. It might be. No change in the money.

Q. Paid July 15, 1870? A. Yes, sir.

Q. And it was the date which was erased. Who did that, you? A. I don't know, sir, I am sure. The fact, is the woman was discharged from the institution and paid.

Q. Both the word paid and the date are erased? A. The amount of money is not erased at all.

Gov. BUTLER. No, sir.

The WITNESS. The next is 34,707, Mary Sigworth. She was discharged and paid. Erasure in the place of the four. It looks to me as though she came there with four dollars and there was more added on.

Q. Paid August 19th; and the \$14.25 is on an erasure? A. Yes, sir.

Q. And the next one, just below, Mattie Silver, the same way? A. Mattie Silver was paid and discharged from the institution. There are pencil-marks there, showing that money had been paid to her. Take the glass and you will see.

Gov. BUTLER. Yes; I guess you will have to.

The WITNESS. Mr. Fairbanks had to take the glass to find some of the erasures.

Gov. BUTLER. But the erasures are very clear, here.

The WITNESS. Yes, sir; most of them are. The next is

34,226, Mahara A. Wall. There is an erasure in the place of the date. She was discharged and paid May 4, 1870. There is an erasure in the place of the date; the money is not changed. That is brought up as an erasure, and the erasure is in the date. The next is 42,332, Ellen Burns, \$60. Died July 9, 1874. The money is accounted for in the cash, September, 1874.

Q. (By Mr. BROWN.) What was Mr. Fairbanks' remark about that? A. That all the figures are over an erasure.

Q. (By Gov. BUTLER.) Forty-two,—thirty-two, you mean, don't you? A. 42,332.

Q. Sixty. There is nothing showing money paid her, and here is sixty dollars over an erasure? A. Yes, sir.

Q. How much she had, nobody knows? A. Cannot tell, sir.

Q. All you know is how much was paid over. It might have been \$600 for aught we know? A. It might have been, but I don't think a woman ever came with that amount. It might have been ten.

Gov. BUTLER. Yes; it might have been ten, and it might have been \$600, or \$6,000. Go on.

The WITNESS. The one next is 56,917, Carrie Dolles. She had one dollar and ninety-four cents.

Q. How many thousand? A. She had one dollar and ninety-four cents.

Q. How many thousand—number? A. I thought you asked how many thousand dollars. 56,917. She was discharged from the institution and the money paid to her. That date on the discharge-book shows that she was discharged on that day, and means that the money was paid to her.

Gov. BUTLER. And the one dollar and ninety-four cents is erased; that is, there is an erasure where that is made. And that has been paid to her.

The WITNESS. The next is 40,840, William Huntoon. He was discharged and paid. The entry shows the same amount he had when he entered. That is the remark. And that, I suppose, he gets from the history-book.

Q. Huntoon? A. Huntoon, 40,840.

Q. Four dollars and fifty-six cents over an erasure? A. He was discharged, and the money paid. The next is 64,405, Minnie Joy; erasure, and five dollars and seventeen cents over it. That was a case where we had several insane persons come in together, and I made the entry to the wrong person. I

afterwards put down against her name : trunk, check, keys, and five dollars and seventeen cents, which was just what she brought there.

Q. There wasn't but one Joy, was there? A. No, sir ; but they were all in the list together.

Q. Trunk, check and keys, — that was erased. That is written over an erasure ; and five dollars and seventeen cents is written over an erasure? A. If the trouble is taken to look that up, you will find that was what she brought from the institution she came from.

Q. Where can I look that up and find that? A. By looking up No. 64,405, you will find the institution she came from to Tewksbury.

Q. What? A. Look in the register for 64,405, and you will find the place where she was sent from.

Mr. BROWN. Mr. Records, will you bring me that register.

Q. Do you mean to say there is anything in the register to show that? A. I mean simply to find the number of that case ; and by writing to the institution she came from, you will find that the entry against her name is correct.

Q. I have no doubt that it is ; but how does that entry on the register show anything about this? A. The entry on the register shows the institution from which she came, and I say, if you will take the trouble to write to that institution, you will find that the entry against her name is correct.

Q. Have you written? A. I have not ; no, sir. But I am so confident that I would like to have you write.

Q. I think you have a good deal more interest in it than I have. A. I must say I have considerable ; I don't know how much you have.

Q. Where is it? A. I don't know, sir ; I don't know the institution. I make the statement, and I am willing that you should write. The next is number 45,884, Rosa McIntire. Mr. Fairbanks' remark against that is : perhaps never altered at all. I can't find that it ever has been.

Q. Then you and he agree for once? A. Yes, sir ; and I am very happy to do it. I think it is the only time we have agreed.

Mr. BROWN. The first time he ever admitted he had a doubt.

The WITNESS. The next is 54,789, Catherine McCann. I find there an erasure, and the figure six is written over

the three, showing that she came there with three dollars, and had three more come, which made her amount six dollars.

Q. (By Gov. BUTLER.) So that the way she got credit for what came was to have the three altered into a six? A. That is simply a memorandum; I always kept it in that way.

Q. I understand; that is all there is? A. That is all there is.

Q. This is all she had to rely upon, and you had to rely upon? A. Yes, sir.

Q. (By Mr. BROWN.) You have never heard that she made any complaint, have you? A. Never; nor anybody else. The next is James Ormann, 40,251.

Q. (By Gov. BUTLER.) Forty thousand and what? A. 40,251; Ormann, James.

Mr. BROWN. [Referring to the register.] 64,405.

Q. Well, James Ormann had everything erased? A. Yes; name, amount, and everything. But the man was discharged April 9, 1873, and the money was paid.

Q. How does that appear? A. That appears from my discharge-book.

Q. It may appear when he was discharged, and that is well enough; but how does it appear that any money was paid by you? A. Because I never knew a person —

Q. That is your inference? A. Simply what I know.

Q. Does any man ever leave the institution without being paid? A. No, sir.

Q. Well, we have some evidence upon that. But when you say it appears by the discharge-book, I don't want all that flourish about it, if there isn't anything about it on the book? A. There is no flourish about it; it is a plain statement of fact.

Q. What is the fact? There isn't anything on the book about it, is there? There isn't anything on the book about his being paid? A. I don't know, sir. Mr. Fairbanks had these books when he made his examination.

Q. Don't talk to me about what Mr. Fairbanks did; answer my question. Is there anything on the discharge-book about his being paid? A. There may be something there.

Q. This is not the discharge-book? A. That would show the payment. That says paid; that would show.

Q. I am talking about the discharge-book. I don't ask what this shows. Is there anything on the discharge-book that

shows that this man was paid anything? A. No, sir; I don't suppose there is. You mix my two statements. I say that the discharge book shows that he was discharged April 9. That book shows the payments.

Q. And this book shows the entire erasure of everything?

A. Yes, sir; name and all.

Gov. BUTLER. All right; go on. Go ahead. And therefore it shows it was paid.

The WITNESS. That is marked paid. The entry is marked paid, I think.

Gov. BUTLER. What?

The WITNESS. I think the entry is marked paid.

Gov. BUTLER. No, sir; it only has a red line drawn through it; or rather, it is six dollars written over the red lines after they were drawn. You take and look at that, now.

The WITNESS. I see that.

Gov. BUTLER. And the red lines —

The WITNESS. I think you will remember, sir, that I made the statement that I didn't handle this cash until 1877. There is an entry in 1873 that I didn't have —

Gov. BUTLER. Then what are you swearing so positively for? The difficulty is that we are dealing with all the people who made the erasures, and not you alone.

The WITNESS. I know; but you call me, and say I have received so much, taken so much, and that I have embezzled so much; that money I have not had in my hand.

Gov. BUTLER. I have not said anything about it. I have said that whoever kept this cash-book has made the erasures and stole the money.

The WITNESS. I know you made that statement.

Gov. BUTLER. That is all.

The WITNESS. Then the case of Lydia Sholes, which I spoke of this morning, where four dollars and twelve cents was entered, and there is \$87.84 turned into the treasury. It don't look as though there was any stealing there.

Gov. BUTLER. Pardon me; that don't follow. Lydia Sholes may have had much more money than that.

The WITNESS. She may have had; yes, sir.

Gov. BUTLER. Nothing to show that she hadn't. There is an erasure.

The WITNESS. Here is the case of Catherine Willey, 40,901.

Mr. Fairbanks made an attempt to show that the woman came with \$140, when 140 was the number of the street she lived on.

Q. (By Gov. BUTLER.) We will see about that. What is her name? A. Her name is Catherine Willey, 40,901. He afterwards corrected his statement, and said it was the number of the street. I took this from the register of the institution and not from that book.

Q. Well, let us see where Catherine is. Where is the number? A. 40,901. This statement was taken from the register of the institution.

Q. We will see in a minute. Catherine Willey, 40,901, five dollars; one dollar and five cents in pencil that was paid her; five dollars and twenty cents — no, five dollars; I am right. Now, how much money had she when she came into the institution? A. She had \$5 when she came into the institution.

Q. How much was paid? A. She received one dollar and five cents. When I turned the money into the treasury I cheated myself by paying in \$4.95. You will find it accounted for in the cash-book, \$4.95; that is a mistake of mine in making change in cash.

Q. That has been erased a little, hasn't it? You will see the red line over the ink, whereas the ink should be under the red line. A. I don't see any sign of an erasure.

Q. Well, isn't the red line over the ink? A. There is a red line over them all.

Q. I don't ask that. I am dealing with this. There are red lines, of course; because you tell me that is the way they are crossed out. Now was not that five put on before the red lines were put on? The red lines are where you make the final cross-out? A. Yes, sir; the red lines are over the black.

Q. Very well, then; the amount must have been written in after you had written the red lines crossing the whole thing out. Now we will have this whole thing explained? A. There is no black line put there after the red line.

Gov. BUTLER. This is perfectly plain. [Exhibiting the book to the committee.] There is no doubt that these red lines were placed there before the black. That is the amount put in here after the whole thing was crossed out; the red line meaning the final cross-out. It is not a single instance by any manner of means. My theory is that this book is made up for the occasion.

THE WITNESS. If it had been there would not have been any erasures.

GOV. BUTLER. No; it was made up by erasures.

THE WITNESS. No, sir; no erasures have been made in that book since the books were first called for.

GOV. BUTLER. Erasures have been made since the red lines were put there.

THE WITNESS. If there had been any attempt to conceal I could have given you a perfectly clean book, copied the night before. I gave in the original copy.

THE CHAIRMAN. [Referring to the entry exhibited.] It is a pretty close question which is on top; I think it is a question for the chemists. Go on, Mr. Marsh.

THE WITNESS. That is all I have on that subject.

MR. BROWN. I told Mr. Marsh to remind me of something a day or two ago, that I wanted to call his attention to, and I cannot think what it was.

Q. (By MR. BROWN.) In regard to the notice of the visit of the charitable committee,— what year was that? A. 1877.

Q. When did you get the notice? A. This notice [producing it] was received at 11.50, February 22.

Q. What time did they get there? A. They got there on the eleven o'clock train.

Q. That is, the train that arrives at eleven o'clock? A. Which leaves Boston at eleven o'clock and gets there at quarter of twelve.

Q. What is this? A. This is the notice of the visit of the charitable committee to Tewksbury in 1877.

THE CHAIRMAN. This year?

MR. BROWN. This is one of the visits complained of, when the notice was given so long beforehand. The letter didn't get there until five minutes after the committee got there.

Q. (By GOV. BUTLER.) There is a telegraph between here and Tewksbury, isn't there, if the letter didn't come for a week?

A. We didn't have our telegraph in at that time, sir.

Cross-examination by Gov. Butler.

Q. I understand you, then, that the way you kept these books was, in some instances, in quite a number as you told us, where a man came in, you put down what money he brought in on a book? A. Yes, sir.

Q. Then somebody sent him some more, and you scratched

out the original amount and put in the added amount? You would scratch out with a knife, or a rubber, or an eraser, or something else, and then you added on the amount that he had and the amount that he received, and that made the entry. Then you let him have money from time to time, and just chalked it down in pencil along the line, and when he died or went out you then erased the money; you deducted what you paid him, and then put down the amount as it stood when you got through. Therefore you gave him credit by erasures, and you credited him by erasures, so there was no earthly way of checking your account to find out whether it was true, was there? A. I don't know of any way.

Q. Don't know of any way. Well, did you tell Mr. Records that that was your method of keeping the account? A. I talked the matter over pretty thoroughly with him.

Q. Talking the matter over thoroughly don't answer my question. Did you tell him that was your method of keeping the account? A. I could not say I did.

Q. Don't you know you didn't? A. No, sir; I don't know anything about it.

Q. Do you think he commended that way of keeping the account? A. Mr. Records was reported as making the statement a little stronger than I reported it.

Q. He didn't say it to you? A. He and I had a talk about it, yesterday or the day before.

Q. I understand; but, now, did he agree that that was a good method of keeping that account? A. No, sir.

Q. Did not. A. No more than I did.

Q. That is what I am talking about. Now, then, after the amount had been erased that the man actually had, actually had when he got there, and after there had been added to that amount the amount that he received from his friends while he was there, and that put down and an erasure, and then, after certain pencil-marks were made against him for what he was supposed to have received, and that added up and deducted and then all scratched out again, and the last amount put down, that account was pretty considerably mixed, wa'n't it? A. It might be to anybody who didn't understand it. As long as the man and I did —

Q. What? A. As long as the man who had the money and I understood it, I don't know as it made any difference.

Q. Pardon me; suppose you had died, how would the man

have come off? A. He would have got all his money just the same, probably.

Q. How so? How could he tell, or anybody else tell, after you were gone? A. Oh, a great many kept their own private memorandum, and they knew as well as I did.

Q. I suppose so; they knew as well as you did. But I am talking about your books. A. My books showed the amount of money standing to his credit.

Q. The amount which you left standing to his credit? A. Yes.

Q. But not the amount he had put in there. Now, was that your universal custom; is that the manner of keeping this book? A. These are the only books I ever had there.

Q. Was that the manner of keeping them? A. The manner of keeping them; yes, sir.

Q. All of them? A. It was simply a memorandum account.

Q. I understand it was a memorandum account; but it was all the account there was? A. All there is.

Q. It was a memorandum, but it was a book, and it was the first entry and the last entry; when the first entry was scratched out the middle one was inserted, and then the middle one was scratched out and the last one inserted; I understand about that. Did you keep any of the rest of the books in that way? A. No, sir.

Q. Why did you keep the poor inmates' cash-book any different from the rest? A. I did; I had a blotter which I called the memorandum-book for the farm.

Q. But you carried that somewhere else? A. No, sir; it is here in the committee-room.

Q. But you carried the accounts there somewhere else? A. I carried the accounts here somewhere else; they are in my cash-book.

Q. Those you paid are. A. Those I paid over to the treasurer are in the cash-book.

Q. But there wasn't any earthly way in which the treasurer could find out whether you paid the right amount or not, except your word for it? A. Of late years I have given the names of the parties from whom the money was collected.

Q. That don't help him any, if he looks on your book and finds what has been scratched out and what has been put in. Now, didn't you swear directly to me, when you went on the

stand before, that you never did make any erasures to lessen the amount? A. I understood you asked me —

Q. Pardon me; I didn't ask you what you understood: I want to know what you said, and then I will deal with what you understood. Didn't you swear,—for I expected this sort of explanation, so I thought I would put the bars up, — now, didn't you swear, expressly, in answer to my question, when you were first on the stand, that you never made an erasure to lessen the amount? On your oath,—yes or no to that? A. I did make the statement.

Q. You did make that statement. A. I did; now, will you allow me?

Q. Was it true? A. It was, as I understood your question. Now, if I may be allowed to make an explanation?

Q. Now, then, what was the question? A. You asked me, in the first place, if I remembered of making these amounts any larger; I said I did.

Q. Yes. A. Then I understood you to ask me if I remembered of making them less. I didn't remember a case; I didn't have my books with me.

Q. You didn't remember? A. No, sir; if I had had my books I should have remembered.

Q. Now, didn't you know then as well as now that that was the habit of keeping these books all through, and what did you want the books to remember that, if that was your habit of book-keeping? A. I thought you were asking me what I remembered.

Q. Did you forget that was your habit of book-keeping? A. I didn't forget it; no sir.

Q. Then you had it in memory, if you didn't forget it. I asked you expressly, didn't I, if you ever scratched out to make an amount less? A. Yes, sir; but you changed your question very suddenly, and I got into a trap; that is all.

Q. No trap that I can see. I asked you first if you changed it to make it more, and you said you did; I then asked you if you ever made erasures when you wanted to put down a less amount, and you said you didn't; where is the trap? A. I thought you were asking me if there was any particular case I remembered.

Q. Did I ask you if there was any particular case when I asked you if you had changed it to make it more? A. No,

sir; you asked me if I remembered any case, and I didn't remember.

Q. Did I put into my question the word remember? A. You did, in the first one.

Q. What? A. You did, in the first one.

Q. Sure? A. Yes.

Q. How lately have you looked at it? A. When I was looking up this testimony.

Q. And you told me you didn't remember of doing it, when you tell me you knew all the time that this was the way the book was kept. A. I didn't remember any particular case.

Q. Oh, yes; you didn't remember any particular case. We have got your explanation of it, and I am content if you are. Now, sir, was that the first time that you were called, or the second? A. I should say it was the second.

Gov. BUTLER. Any of the committee happen to have that testimony before them? Page 380, I guess, will be about where it is; I have not looked for it. No; it was not that time. I guess.

Mr. GILMORE. The 476th is the next page after 380.

Gov. BUTLER. It is further along, sir, I think.

Mr. WOLCOTT. On the 480th page.

Gov. BUTLER. [Reading from the record]: —

Q. So all we have got here, — we will take any one of them, — here is Jane Bennett, No. 38098, 3.50, — that means \$3.50, I suppose? A. Yes, sir.

Q. Jan. 17, 1872. A. That was the date she left the institution and received her money.

Q. And if she didn't receive her money there would be a date put there, wouldn't there? A. They are not apt to leave the institution and not take their money with them.

Q. Aren't they? A. No, sir.

Q. Suppose they run away; how would they get their money? A. The money is turned over to the state treasurer at the end of the year.

Q. I assume that for the present. A. Sometimes they get their money by writing for it. There have been such cases.

Q. That may be. A. It is not the custom, however.

Q. I suppose not. Now, then, suppose they abscond; all the evidence is that the date of the absconding is put down here. For instance, now, let us take this man, Thomas Bradley, \$7.95, absconded March 19, 1872, — what evidence is there that anybody got that money? A. There is no evidence, sir; because I have it myself, and if you wish me to explain that particular case —

Q. Have you got that money still? A. I have, sir.

Q. He left in 1872? A. Yes, sir; but he has been back there several times since, and brought other money. You will find his name there again with another amount of money.

Q. You have got that other amount of money? A. I have, sir.

Q. You have got that money yet? A. Yes, sir.

Q. And have kept it ever since? A. I have, sir; and you will find it charged under another registry number.

Q. Find some more of it there? A. Yes, sir.

Q. Now, I want to know, sir, whether the amounts have been changed in any way? A. Sometimes they have.

“ Sometimes they have,” — no particular mention, you see.

Q. What for? A. Sometimes they would have the money come by mail; they would hand it to me, and I would put it down under the same register number.

Mr. MELLE. You will find it on the 480th page, Governor.

Gov. BUTLER. [Reading.]

Q. And then, if they get money coming by mail to them, what is entered on here is scratched out, and some other sum entered in? A. Yes, sir; the two are added together.

Q. You don't allow the original entry to stand? A. I do not.

Q. But you scratch that out? A. Yes, sir.

Q. Give me such a case, will you? A. I don't remember any; they are getting letters all the time, and sometimes they leave their money with me, and sometimes they don't.

Q. But do you remember any such case? A. I don't remember.

Q. Remember any case where you scratched out and put down less than there was there before? A. No, sir.

Q. You sure of that? A. I am.

Q. Never been an entry to the credit of an inmate and then scratched out and a less sum put in? A. No, sir.

Q. Always more; then that will be a guide, so far. Now, here was the entry kept before 1871, was it? A. Yes, sir; that is one of them.

Q. And that was kept with the cash belonging to the inmates of the Tewksbury almshouse? A. Yes, sir.

Q. Now, is there any account ever carried from this book on to the regular books of the institution? A. Yes, sir; the money that was taken from that book at the end of the year, of those who had died or absconded, is carried on to the cash-book and on to the ledger.

Q. Is that only done once a year? A. That is done once a year now; I don't know what the custom was before I went there.

Q. Can we find anything about it before you went there on the books? A. Yes, sir.

Q. How do you get at this amount? A. What do you mean; of those who have died or absconded?

Q. Yes. A. I take my discharge-book; I take this book and look up each name on my register, and have my discharge-book with me at the same time; and those that have died and absconded during the year I put on to a piece of paper, the amounts and the names, and then I put it on to my cash-book and post it on to my ledger.

Q. And turn the money over to the State? A. I do, sir; and I have the treasurer's receipt for it.

Q. What account do you return? A. That is included in the articles sold, of the institution, and the inmates' effects.

Q. That is, all the account found in the State treasury, or the State auditor's, is articles sold, etc., and this money goes under the etc., don't it? A. Yes; it can easily be picked out from my cash-book and ledger.

Q. It may be picked out from your cash-book and ledger?

—and so on.

Q. Now, then, you have told me that not in any case was an inmates' cash scratched out and a less amount put down? A. I thought you were questioning me about the way I did the work.

Q. Didn't you remember what your custom was? A. I didn't think particularly about it when you were questioning me.

Q. But now you have sworn that this was the custom, Mr. Marsh, and this was the way of your book-keeping, and you wanted to swear at the beginning that Mr. Records thought it was a good way? A. I don't understand that I made any such remark.

MR. BROWN. Your question was whether he remembered any case.

GOV. BUTLER. Remembered any case, and then the general question put in; we have got it all there, sir.

Q. Now, I want to know another thing. Didn't you, more frequently than where the scratching out is apparent, put the money that they received down on the same line; when money came to them by mail, and you put it down at all,—didn't you more frequently write the sum in, and won't your books show it? A. I don't know how that is, sir; I have done it both ways. Sometimes I have put it down, and put a sign of plus, there.

Q. What? A. I have put the sign of plus where they have had more come.

Q. The sign of plus, yes; but that wouldn't help it much, unless it showed how much plus? A. Well, the amount, with the plus, is there, too.

Q. Now, for instance, here is a person who came in. — — — Rochford — I open to this place at random, because a leaf fell out. [Referring to the inmates' cash-book.] He had, when he came in, \$2.75. He got \$9.75, and you put that down outside? A. Yes.

Q. Here is another case where a man had \$6.60 when he came in, and then he had some more, and you put down \$3 over it, and then put down \$9.60, showing that to be his amount; there was no scratching out. Now, then, go on a few pages. A. That is one of the later entries, I think.

Q. You did better along towards the last? A. Look at some of the earlier ones, and you won't find it so.

Q. Now, here is a case where you entered the addition of a watch? A. Yes, sir.

Q. Well, why did you keep them two ways: sometimes entering the money so it would show what they received afterwards, and sometimes scratching it out and entering it so it would not show? A. I may have thought that the addition of the money by the sign of plus was a better way; I may have learned something after awhile; I improved in the business right along.

Q. That is the answer to that? A. Yes, sir.

Q. You understand that now; I haven't got you into any trap, have I? A. I don't think you have.

Q. Then, if there isn't any trap, we will see. Now, here is one way over here [referring to the book], — the later entry is 60,000, and here is 46,000. A man had \$3, and there is \$5 plus. Don't you see, that was early in this book? Now, you are in no trap, are you? A. Let me see that, please. [Book handed to witness.] There is an erasure there, too, I think.

Q. Oh, yes; I agree to that, certainly. You kept that by double entry; plus and erasure. Then here was one where you went it pretty strong; and that is still further over, before you had learned. A. That is foreign money.

Q. Precisely so; but, then, you could have got the amount just as well and put it in over the erasure. A. I could if I knew the value of the coin.

Q. \$24 in bills, 50 in currency, three cents and two, twenty, including five in gold, making 49.50 ; there don't seem to be anything — A. There is no erasure, nor any sign of plus there, I notice.

Q. I understand ; but if you add it up you will see — A. And that is paid to the general agent of the board of state charities.

Q. I have no doubt, sir ; I am not now on the question of where the money was paid, but I am on the question of putting in. Here is another case, earlier, where you put in \$6 in bills and \$1.25 silver. This all might just as well have gone in under an erasure. A. Might have been counterfeit bills, and I wanted to distinguish the bills.

Q. You put that in so you might be sure it was not counterfeit? A. No, sir ; I wanted her to get the money she brought there.

Q. Why so? It was a she in that case ; but if it had been a he, you would have paid it out for tobacco seven cents a plug. A. I might have ; if it was all foreign money, I might have.

Q. Well, wasn't it all foreign money? It was bills. A. I didn't know whether it was or not ; it might have been provincial money.

Q. It might have been ; and, at that time, a little more valuable. Well, had you any particular rule by which you used the plus? A. I hadn't any particular rule for keeping the book anyway. It was simply a memorandum book.

Q. But, pardon me ; you have told me more than, — I was going to put it too large, I am afraid, — we will say twenty times for sure, that that is simply a memorandum book ; but it was a memorandum by which the inmates' cash was kept, their rights secured and the Commonwealth's rights secured, and your honesty secured, wa'n't it ; that was all there was? Very well, then, that memorandum book had a good deal to do. A. And I guess they are all right, too.

Q. Yes ; oh, yes ; then, why do you keep putting in, if it is all right, that it is simply a memorandum book? A. You seem to attempt to show that there was a regular system of keeping that book. It was kept in the most convenient way I could do it.

Q. No, sir ; I don't intend to show there was ever a regular system ; I have been trying to show all the time there was an irregular system. Now, during all these years, these poor men's

accounts and poor women's accounts have been kept in this way : and that is the way this other man kept them before you came there? A. There was no book of that that I have not seen brought into the room, and I think mine is an improvement over any of them.

Q. And you think there was a worse one than yours kept before? A. Decidedly.

Q. Undoubtedly worse. A. That was the first one ever opened there, as far as I can find.

Q. Now, Mr. Marsh, when did you go to keeping house? A. I went to keeping house three years ago.

Q. You lived with your father up to that time? A. I lived at the institution ; that is, I have lived at the institution since 1869.

Q. Now, after you went to keeping house, you carried on your own house? A. I did, sir.

Q. Paid for what you had? A. I did ; generally.

Q. Well, why did you part of the time and not the rest? A. Because I thought I was entitled to my living the same as all the rest of the officers of the institution ; if I kept house I had no special allowance for doing it.

Q. How did you keep the account when you got exactly what belonged to you to take, and the balance went to your wife and family? A. My family isn't very large ; there is only my wife.

Q. Keep a servant? A. No, sir.

Q. Did one come from the institution? A. No, not regularly ; once in a while there would be one come down.

Q. Now, weren't you supplied, after you went to keeping house, as to your table, from the institution? A. No, sir ; I used to buy a barrel of flour at a time, and it would last me a year. When I would buy my groceries I would buy them in Boston and Lowell, and I had my butcher and fish man.

Q. Butcher and fish man and all that. A. And had my bills to show for it.

Q. What did you get from the institution except potatoes? A. Once in a while they had a little something up there which I thought was a little better than mine, and I would take some of it down to my wife.

Q. Be it so ; and did you sometimes send it by the officers? A. I did ; and another thing, I would go to Boston and do my

marketing and go to the institution, and keep it at the institution in the ice-chest; I didn't take ice myself.

Q. Did you have it cooked at the institution? A. Sometimes, in hot weather, I would have a tongue boiled at the institution. I used to send up my beans and brown bread Sunday morning to be baked there.

Q. Why not take those at the institution, they were so good, I have heard? A. I did take those. The cook told me he would rather I would take them from the institution than to fuss with such a small pot of beans and brown bread as I sent up, and I did for a while.

Q. Then it was a fact one of the witnesses swore to, that a basket with dishes and food was carried to your house? A. Yes, sir; but the majority of the time it was my own food I had bought and paid for.

Q. Did you keep any account, either by the plus system or the erasure system, of these things? A. I kept my paid bills, sir.

Q. Of what you got from the institution? A. No, sir.

Q. You and your wife lived on the institution; well, the other people were warmed at the institution, weren't they? A. Yes, sir.

Q. Didn't you claim a right to be warmed at the institution as well as the rest of them? A. I did; but I bought my coal and paid for it.

Q. Why not be warmed, as well as the rest? A. I was warmed there when I was up there.

Q. Why not warm the house? A. I preferred to be independent, and warm it myself.

Q. You thought you had a right to your living, and heat and light is quite a considerable item. A. I will tell you why; I liked the heat from my stove better than I did steam heat, and I ran my stove.

Q. That was the reason? A. That was the reason.

Q. Did you have any work done at your house by any of the inmates of the institution? A. I did; I had an old man come down there, — I guess he was, well, he was over ninety years old, — and all the work he did in the institution was what he did in watching some chickens I had down home. He asked to go down outside the gate.

Q. Any work, — I am going to make the chickens a separate item? A. Yes, sir; I did. I used to have a man come

down there and do, — well, whatever I asked him to do; and I paid him for it by giving him a meal every time he came.

Q. That might have come out of the institution. A. It might, but it didn't happen to.

Q. The meal he got didn't come out of the institution? A. No, sir; it was what my wife made and cooked.

Q. What? A. It was what my wife cooked herself; I didn't give him institution food.

Q. It might have come from your father's table, you know. A. It might have, but it didn't.

Q. Now, about these chickens; did you use to sell the eggs? A. I did, sir.

Q. To the institution? A. I sold a few.

Q. A good many? A. Not a great many; no, sir; I didn't keep but seven hens.

Q. But seven? A. That is all.

Q. You sure about that? A. I am very sure.

Q. Now, then, where did the grain come from that fed them? A. I bought it.

Q. From whom? A. Various and sundry people: bought it in Lowell.

Q. Any from the institution? A. Yes; and paid for it.

Q. Bought it and paid for it? A. Yes, sir.

Q. To keep the chickens? A. Yes, sir.

Q. Did you buy the larger part of it at the institution? A. No, sir.

Q. Where is the account on the book of where you dealt with the institution for that grain? A. It is on the cash-book of the institution.

Q. Show it to me. A. The cash-book has not been up there since I paid for it.

Q. You paid about the time Mr. Nourse paid, I suppose? A. No, sir; I don't remember when he paid. I paid when I broke up housekeeping, sir.

Q. What? A. I paid when I broke up housekeeping.

Q. When did you break up housekeeping? A. The first of June.

Q. The first of last June? A. Yes.

Q. Had you an account of that? A. Nothing special: only I knew about how much I had had.

Q. You had been having it since 1879? A. It didn't go back as far as 1879; it went back a year and a half.

Q. Haven't you kept chickens more than a year and a half?

A. Yes; but I didn't get any meal at the institution. The first year I didn't feed my chickens very well, and they didn't do much.

Q. Will you tell me this, whether or not you made any account, in any way or shape, of what you had from the institution? A. No, sir; I didn't keep any account.

Q. Did anybody? A. Not that I know of.

Q. Had you any means of knowing without its being weighed or measured by anybody? A. I knew about its being measured, because I always brought it down in the same thing.

Q. And did you always bring it yourself? A. No, sir; never.

Q. Then you didn't know it? A. I saw it when it was brought.

Q. What? A. I saw it when it was brought.

Q. Always? A. Generally.

Q. Now, how did you get at how much you had had; how did you reckon that? A. Well, I can give a pretty good estimate, myself.

Q. Did you reckon with anybody else? A. No, sir.

Q. When did you pay any other money to the institution?

A. That is all I ever had anything to pay for, I think.

Q. Whether you had anything or not, did you ever pay any other money till last June? Any money to the institution for things received till last June? A. No, sir.

Q. And did you ever have any account on the books of the institution, or on any other book, of the things you received?

A. I didn't have occasion to open any account.

Q. I didn't ask you whether you had any occasion,—people generally have occasion to open an account when they get goods,—but I am only asking you whether you did have one.

A. I did not, sir; no, sir.

Gov. BUTLER. That is all we require upon that matter. I don't believe I will have to trouble you any more, sir.

Re-direct examination by Mr. Brown.

Q. How much meal did you have, Mr. Marsh? A. I estimated I had about \$10 worth, and I think I paid for all I had. I think if I cheated anybody I cheated myself.

Gov. BUTLER. There is \$30 to be credited to the investigation.

Mr. BROWN. Pretty good investment ; \$20,000 to get thirty.

Gov. BUTLER. Certainly it is.

Q. A single question I want to ask you, Mr. Marsh ; something was said to you, when you were upon the stand a long time ago, about bank-books. A. I could not remember at the time how many receipts I had ever taken ; I found that number [referring to papers] ; I don't know whether I could find any more by looking or not. I think it accounts for over twenty.

Mr. BROWN. Just read them, please.

Gov. BUTLER. What have I brought out that this is in answer to ?

The WITNESS. You asked me how many receipts —

Gov. BUTLER. Stop a moment ; I didn't inquire of you. I have not examined him a word about this now, and he has been on twice since that was asked.

Mr. BROWN. Do you object ?

Gov. BUTLER. I do.

Mr. BROWN. On what ground ?

Gov. BUTLER. On the ground that the re-examination is not in answer to anything I brought out.

The CHAIRMAN. What is the paper ?

Mr. BROWN. They are receipts for bank-books. The witness, when he was ready to leave the stand, called my attention to the fact that he had not put in the receipts for bank-books that were called for a long time ago. Now I shall leave it entirely to the committee whether this witness has a chance to explain and produce these receipts.

The CHAIRMAN. This witness has been a sort of a standing man on both sides, called when nobody else was present ; I should think, perhaps, the rule ought not to be too strictly applied.

Gov. BUTLER. I have been wanting these receipts for these bank-books for a long time, but they have been kept away till it is too late for me to examine them, and too late for me to get witnesses to deal with them, if they are to be dealt with. He has been here all the time. It is true I called for any receipts he had, a long time ago, months ago, and if I didn't believe it was simply a trick to put them in at the last end, I would not enforce the rule. But, you see, it now puts me into a disadvantage. The legislature shuts me up, for all the work, to Friday. I have no earthly way to examine them, and he has kept them back till this time. I say it is not fair.

The CHAIRMAN. You have got five days, Governor.

Gov. BUTLER. What?

The CHAIRMAN. You have got five days.

Gov. BUTLER. Yes, sir; and to be here from early morning, business morning, till close of business hours, and this, with the rest of the work of the legislature on hand, and carrying on the executive office —

The CHAIRMAN. We shan't work very hard this week.

Gov. BUTLER. And then, in the interlude, having to meet boards of trustees about the burning down of the Bridgewater almshouse, and all those things coming up, — I can work as many hours in a day as anybody —

The CHAIRMAN. I think you can, and more.

Gov. BUTLER. What?

The CHAIRMAN. I think you can more.

Gov. BUTLER. Very well; but still there is an end. If there was thirty-six hours in a day I could manage twenty-eight of them at work, but as there are not but twenty-four, I have to take off about as many to sleep, and so it makes them fewer. Now, that being so, I don't think I am called upon to go into this at this late hour.

The CHAIRMAN. I will leave it to the committee.

Mr. BROWN. Mr. Chairman, I want to reply one word. His Excellency says this is a trick.

Gov. BUTLER. I didn't quite say that; I said if I didn't believe it was. I don't know whether it was or not; it looks like it.

Mr. BROWN. Then you do believe it is a trick?

Gov. BUTLER. I am inclined to believe that way; yes.

Mr. BROWN. I thank you. My attention has not been called to these receipts till to-day, with the exception that —

Gov. BUTLER. I didn't say it was your trick; excuse me, I did not say it was your trick, sir.

Mr. BROWN. Oh, backing out a little, are you?

Gov. BUTLER. Not a bit; not a bit.

Mr. BROWN. Very well; His Excellency never called for these receipts. Now, I take issue with him there. He called for the bank-books, and then he read from the books to show that this witness had had bank-books that he never had accounted for. We have never had a call from him, unless he says he made one to-day, when he made his little speech a moment ago, for these receipts; never. We have been charged with a lot of

bank-books. Well, I can only reply, as His Excellency says, sometimes, if we don't hear from them here we shall elsewhere.

Gov. BUTLER. All right.

Mr. MELLEN. I wish to call Mr. Brown's attention to some language of his own early in the hearing. In speaking about the many calls that were made at that time, — it is near the 200th page of the report, and we have gone towards the 3000th or more, — he says, "the fourth call was for every scrap of paper in that institution," — quoting his words. Now he says His Excellency didn't call for that scrap of paper.

The CHAIRMAN. Where is that, Mr. Mellen?

Mr. MELLEN. Page 211. [Applause.]

The CHAIRMAN. I shall have my detectives out here again, if this disturbance is kept up.

Mr. MELLEN. In the latter part of the paragraph, about the middle of the page: "The fourth call was for every scrap of paper in that institution; of which we did not deem it proper to take any notice, because I take it a call of that kind is not a notice to anybody of any particular thing that is desired."

Mr. BROWN. And nobody ever called it so, either.

The CHAIRMAN. The question for the committee is, whether these receipts shall be admitted.

[The committee voted 5 to 2 to admit the receipts.]

Mr. BROWN. Read the receipts, please, Mr. Marsh.

Gov. BUTLER. Let me see them, please, before they are put in. [Examining the papers.] This is not a receipt to you at all.

The WITNESS. The state almshouse, of which I am clerk.

Gov. BUTLER. I don't see any bank-book mentioned there. [Referring to another paper.]

The WITNESS. You will on the rest of them.

Gov. BUTLER. There is a receipt for a bank-book in '82; that will come under the ruling; and here is a receipt for a deposit book. Provident Institution for Savings, town of Boston, to the credit of Margaret Marrión, \$80. And here is a woman that had four bank-books,—one woman,—that the board of state charities took. What is the date of that?

The WITNESS. June 6, '82. — oh, this one with four; there is no date to it, sir.

Gov. BUTLER. Here is one: "Received of Thomas J. Marsh, Superintendent, bank-books, Tewksbury, July, '75, by Mr. Wrightington, — Thomas Dalton, Ann Malone, Eliza Griffin."

Here is a bank-book, Oct. 18, 1872, for Mr. Wrightington. Then here are a number which I would like the chairman of the committee to let me have, that I may look them over, because they turned up on the ninth of May. "Received of Charles B. Marsh, for the committee of the legislature on public charitable institutions, the following bank-books belonging to inmates of the state almshouse at Tewksbury," — there are certain bank-books. Then follows three and three are six and two are eight, bank-books: E. P. Loring, for the committee.

The CHAIRMAN. They are down in the safe, Governor; I will have them brought up.

Gov. BUTLER. I will send down at once, sir; I want to examine and see how long they have been on hand.

Q. (By Gov. BUTLER.) Now, sir, can you tell me, — let us leave that one side for the present. — here is a receipt in 1882, — I don't find any date on this receipt. — what date was that receipt written? A. I don't know, sir; there is no date there. That is Mr. Fairbanks' signature, — Mr. Wrightington's clerk.

Q. Now, we will take this one. Here is a bank-book, — is there any record on the books of the institution, besides these receipts, of these bank-books? A. I don't know, sir, whether they are on the cash-book or not. What is the register number there, and I will tell you?

Gov. BUTLER. No. 43,488.

The WITNESS. What is the name?

Gov. BUTLER. The name is Thomas Dalton. He absconded Aug. 8, 1874.

The WITNESS. No, sir; there is no account of that bank-book. The man ran away from the institution; that bank-book was found in his clothing, and brought to the office after he left.

Q. Well, assume that: where is the record of that transaction, that anybody had that bank-book? A. There isn't any. It was brought directly up to the office, and turned over to Mr. Wrightington. Mr. Wrightington went to draw the money, and he found that this Dalton had been there, and drawn it all himself; got another bank-book.

Q. Got another bank-book? A. Yes, sir.

Q. That is all right enough; and Mr. Dalton got the money. Now, here was a woman, — Ann Malone.

Mr. BROWN. Wouldn't it be better to put these receipts in?

Gov. BUTLER. I am cross-examining him on them, and then they are going in. Ann Malone: she died May 20, 1871, and you didn't turn over the bank-book till 1875. Any entry of that bank-book anywhere?

The WITNESS. I didn't turn it over at all, for the bank-books on that receipt I never had, for they were turned over by my brother.

Q. Then why did you produce this as a receipt for bank-books I had charged you with? A. I don't know that you charged me especially; you were charging about bank-books entered on the cash-book, and not accounted for.

Q. I don't care; your brother, — which brother? A. I don't know whether they were in his possession or Mr. Moulton's.

Q. Mr. Moulton's, — 1871? You were there in 1869. A. They were not in my possession.

Q. Where were they? A. They were in the safe in the office.

Q. Won't you look and see if there is any memorandum of that bank-book? There don't seem to be any record of them of any extent. A. What is the name, Ann Malone?

Q. Ann Malone, register A. She was admitted July 2, 1867; she died May, 1871, and her book was kept by somebody in your establishment. A. This book [referring to the cash-book] does not go any further back than 1868.

Q. What? A. This book doesn't go any further back than 1868.

Q. Then, so far as you know, there is no record. Now, let us try another. Here is Griffin C. Carney, — I should say, — Home Savings Bank. No; Ezra Griffin, No. 36,163; admitted January 3, 1871; died September, 1871, and the bank-book was not delivered over to anybody till 1875. Any entry of that? A. Ezra Griffin, admitted January 3, 1871; on deposit, \$30. I don't know what the amount is in the bank-book.

Q. On deposit? A. Yes; that is, on the bank-book.

Q. Say anything about bank-book? A. That "on deposit," I suppose, means bank-book. I don't know.

Q. Let us see; and there was an entry that was paid September 7, 1871, wasn't there? A. That he died September 7, 1871.

Q. Are you quite sure which that is? A. Yes, sir; there is no doubt in my mind.

Q. I never saw an "a" in died before. [Referring to the entry.] A. You do now, sir.

Gov. BUTLER. No, sir; I see "paid", it has been scratched since. I want the committee to see whether that is not "paid, 1871." [Book handed to the committee for inspection.] It shows the correctness of this book keeping.

Mr. BROWN. You are sure you got your eye near it.

Q. Now, let us see. Here is one, "Ann, alias Anastacia Hayes, admitted Sept. 16, 1869, here Feb. 18, 1875." Why is it her bank-book didn't get turned over to Wrightington or anybody else? See if there is any record any where else. A. What is the name?

Q. Anastacia, or Ann, Hayes. She was present Feb. 18, 1875. A. I should deliver up any bank-book to Mr. Wrightington called for, whether the inmate was there or not, and have done it, many a time.

Q. Well, now, here is one, Oct. 18, 1882. A bank-book of the late Mary Kimball. Find her, will you; 48,862. A. Yes, sir.

Q. What record? A. "Margaret Kimball, alias Campbell, bank-book."

Q. What time did she enter? A. It does not show; simply gives her register number., 48,862.

Q. What time did she die? A. It does not show there whether she is dead or not.

Q. That was \$300, Margaret Kimball. [Referring to entry.] A. Three dollars, isn't it?

Q. I have no way of making out. Is she still there? A. I think she is, sir; I am not certain.

Q. Well, now, here is one of June 6, 1882. A. It is \$3 instead of \$300.

Q. Margaret Marrion. A. Manning, her name is.

Q. When did she come in? A. Is her register number on the receipt?

Q. No; this is her deposit number, sir. A. I didn't know but she might have her number against her name.

Gov. BUTLER. 51,879.

The WITNESS. That can't be the number.

Q. Can't you find her? A. I can't on that book; I think she has come in recently. She is a woman who was at Tewksbury till quite recently, but was transferred by Mr. Wrighting-

ton to one of the other asylums. She went out, and he called for the bank-book and it was delivered to him.

MR. BROWN. I don't propose to have these receipts go off till they are put into the case.

GOV. BUTLER. We will have them put into the case.

THE WITNESS. 64,107; Margaret Manning; bank-book, delivered to T. C. Lathrop, etc.

GOV. BUTLER. They may be all considered in; I want to have an opportunity to look at them.

THE CHAIRMAN. The clerk of the Senate has just left and I cannot get the books till morning. I will hand them to you at the first opportunity. They are in his safe.

MR. BROWN. Here are the receipts.

GOV. BUTLER. Some of them are duplicates.

MR. BROWN. I think they are not duplicates.

THE WITNESS. There are receipts for different bank-books; there are no two receipts for the same book.

GOV. BUTLER. When they are printed we will read them and see whether I am right or wrong.

MR. BROWN. I believe that is all, Mr. Marsh.

GOV. BUTLER. Margaret Manning had but one bank-book, and there are two receipts, one by the guardian and one by somebody else.

STATE ALMSHOUSE, TEWKSBURY, Feb. 18, '75.

Rec'd of Thomas J. Marsh, Sup't, bank-books as follows:

S. C. WRIGHTINGTON,
Gen. Ag't B. S. C.

Thomas Dalton. Boston Five Cents Savings Bank. Reg. No. 43,488; admitted April 28th, 1874; absconded Aug. 8, '74.

Ann Malone. South Berwick Savings Bank. Reg. A for I 320. Ad. July 22, '67. Died May 20, '71.

Margaret Togle, *alias* Considine, New Bedford Inst. for Savings. Reg. No. 37,220. Ad. Sept. 20, '71; here Feb'y 18, '75.

Eliza Griffin, *alias* Caney. Home Savings Bank, Boston. Reg. No. 36,163. Ad. Jan. 3, '71. Died Sept. 7, '71.

Ann *alias* Anastasia Hayes, Worcester Co. Inst. for Savings. Reg. A for I 638. Ad. Sept. 16, '79; here Feb'y 18, '75.

Reed. of Thomas J. Marsh, Supt., the following bank-books the property of Julia Carr (37,167), formerly an inmate of the State almshouse at Tewksbury: No. 2,784, \$115.66; No. 8,299, \$794.30; No. 525, \$405.71; No. 106,668, \$63.29.

(Signed)

H. H. FAIRBANKS, Clerk,
For Gen. Agt. B. of S. C.

Boston, June 6, 1882.

Received of Thomas J. Marsh, Supt. State Almshouse, Tewksbury, deposit book No. 27,475 (C), Provident Institution for Savings, in the town of Boston, showing a net deposit of eighty dollars (\$80.00) February 5, 1879, to the credit of Margaret Marrion.

(signed)

JOHN A. COFFY,
Guardian Marg't Marrion.

Boston, June 6th, 1882.

Received of Thomas J. Marsh, Supt. State Almshouse, Tewksbury, deposit book 26,308, Union Institution for Savings in the city of Boston, showing a net deposit of one thousand and forty dollars and forty cents (1,040.40), November, 1878, to the credit of Margaret Manning.

(Signed)

JOHN A. COFFY,
Guardian Margaret Manning.

STATE ALMSHOUSE,

TEWKSBURY, MASS., Oct. 13, 1882.

Received of Thomas J. Marsh, Supt. State Almshouse, Tewksbury, bank-book belonging to the late Marg't Kimball [48,862].

(Signed)

S. C. WRIGHTINGTON, Supt.

COMMONWEALTH OF MASSACHUSETTS.

STATE ALMSHOUSE,

TEWKSBURY, May 9th, 1883.

Received from Charles B. Marsh, for the committee of the legislature on public charitable institutions, the following bank-books belonging to inmates of the State Almshouse at Tewksbury:

Bank Book No.	Name.
29,806,	Mary Mc'Letland.
3,908,	Frank Anderson.
635,	Bridget Conley.
3,933,	Andrew J. Hooke.
5,378,	Mary Linen.
29,829,	Bridget Ryan.
61,329,	Jane Raycraft.
79,806,	Annie Daniel.

(Signed)

E. P. LORING,
For the Committee.

Q. (By the CHAIRMAN.) Mr. Marsh, I want to ask you one question. At the first hearing there was a letter read from you, apparently, to A. A. Roach, in regard to the body of Patrick Shields. Did you have any further correspondence with Mr. Roach? A. I don't remember any; no, sir.

Q. Or any complaints that the law was not complied with in this particular? A. I don't remember any complaints that ever reached me.

Q. Has there ever been complaints by anybody? A. No, sir.

Gov. BUTLER. Mr. Roach is Judge Roach who wrote, as the man testified, for him. The man testified there, somewhere, or else he told me, that he got Mr. Roach to write for him. Mr. Roach is now dead, so Mr. Innis informs me.

The CHAIRMAN. I want to ask Mr. Records a question.

FRANCIS B. RECORDS (*recalled*).

Examination by the Chairman.

The CHAIRMAN. Governor, will you give me that book we have been looking at; the inmates' cash-book.

Mr. RECORDS. I have it.

The CHAIRMAN. I want to see if he can find out which is on top, the red or the black. It is a pretty close question, and I think we had better have the expert say.

Gov. BUTLER. This gentleman has not pretended, yet, to be an expert on that question. Mr. Fairbanks is my expert.

The CHAIRMAN. I thought he was an expert in book-keeping enough to ask him the question. Perhaps his opinion will be better than ours a little.

Gov. BUTLER. Very good.

The CHAIRMAN. Will you direct him to that particular case?

Gov. BUTLER. Margaret Willis.

The CHAIRMAN. Whether the black or the red ink is on top is really the question.

The WITNESS. The black is over the red.

Q. Any other cases there on the same page, for instance?

A. I don't see other cases but what the red is over the black.

Gov. BUTLER. I can find some in the book, easily.

Q. You think that is the only one on that page? A. That is the only case I notice on that page.

The CHAIRMAN. Will you pass that to the witness? Some of the committee have been experimenting a little. [Paper handed witness.] Whether you can tell which is on the top there, Mr. Witness.

Gov. BUTLER. Want to puzzle your own expert?

The CHAIRMAN. Yes, sir.

The WITNESS. Those on the right, the red is over the black.

The CHAIRMAN. On the right?

The WITNESS. The right hand-column.

The CHAIRMAN. Mr. Wolcott, is that right?

Mr. WALCOTT. No, sir; I didn't make it myself, but I believe it is exactly the reverse of the fact.

The WITNESS. Excuse me.

Mr. BROWN. Of course, you can be excused, now.

The CHAIRMAN. Show the governor the paper, so he can see what tricks we are up to. [Paper handed the governor.]

Gov. BUTLER. Which column? I didn't understand.

The WITNESS. Perhaps you can tell.

Mr. BROWN. Then you mean to reverse your testimony as to that entry in the book, do you?

The WITNESS. Oh, no.

The CHAIRMAN. That is all.

Gov. BUTLER. [Examining the paper.] I should say there would not be much difficulty about that.

Mr. BROWN. Mr. Chairman, that is all the testimony I have, except one fact from Mr. Doane. He is an agent of the board down stairs, and who, I understand, has been sent to Bridgewater to-day, and was expected here. It is simply a matter of the cash, where the entry shows it was transferred to him, and I want to show that it was given to him.

The CHAIRMAN. No objection to his testifying when he gets here, I presume?

Gov. BUTLER. No, sir.

The CHAIRMAN. We shan't go any further to-day.

Gov. BUTLER. Then the defence is all in, except Mr. Doane?

The CHAIRMAN. I take it so.

Gov. BUTLER. In order that we may have no dispute about it, is Mr. Thomas J. Marsh to be called?

The CHAIRMAN. That is for the committee to decide. I take it from what Mr. Brown says he does not intend to call him. At four o'clock the committee is to have a meeting.

Adjourned to half-past nine on Tuesday morning.

FIFTY-EIGHTH HEARING.

TUESDAY, July 10.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

The CHAIRMAN. The chair will announce now, before the hearing commences, that the doorkeepers are instructed to put out anybody who disturbs the meeting with any applause, without any orders from the committee. We are short of time, and we cannot waste any in demonstrations. Mr. Brown, are you ready to proceed?

Gov. BUTLER. I would ask any gentleman here not to applaud, so that the trouble may not happen. And I want to say here that I don't agree as to the right to put out anybody by the order of the chairman, or anybody else.

The CHAIRMAN. I suppose the committee are in charge here.

Gov. BUTLER. The committee cannot have any power to arrest anybody, that I know of.

The CHAIRMAN. They have power to maintain order in this room, I take it.

Mr. BROWN. I suppose the committee have power to have this hearing in executive session.

Gov. BUTLER. Certainly, whenever they want to. I have no objection to that.

The CHAIRMAN. We assume that we have power to maintain order.

Gov. BUTLER. No person can be arrested except he has committed a felony. It is not a felony to applaud.

The CHAIRMAN. Mr. Brown, is your witness here?

Mr. BROWN. Yes, sir.

TESTIMONY OF THOMAS M. DOANE (*sworn*).*Direct examination by Mr. Brown.*

Q. What is your full name? A. Thomas M. Doane.

Q. What is your business? A. I am at present transportation agent of the board of state charities.

Q. How long have you been connected with the board of state charities in that way? A. More or less for the last three years.

Q. Do you recollect a man by the name of Joseph Ludwig, who was taken from the State almshouse by you? A. Joseph Ludwig? I do; yes, sir.

Q. Did he have any money, do you recollect? A. I recollect he had some; but a small amount.

Q. A very small amount?

Gov. BUTLER. The "very" was an interpolation.

Mr. BROWN. I ask him.

The WITNESS. It was an amount perhaps less than five dollars.

Q. Well, was there any fact connected with your treatment of him, or what you did for him, that enables you to recollect particularly about it? A. Yes, sir; he was a stout man, who would weigh about 200 pounds; and was lame. He told me that he lived in Springfield, and lived there quite awhile—a butcher. I had five or six more with him at the time. There was a family going to Worcester, named McCarthy.

Q. Do you recollect whether you paid his fare to Springfield? A. Yes, sir; my bill shows that I paid his fare.

Q. Did he, during any time while you were with him, make any claim that he hadn't received from the almshouse all the money to which he was entitled? A. No, sir.

Cross-examination by Gov. Butler.

Q. And he didn't say anything about it, I suppose? A. No, sir.

Q. All he had with him was a small amount, less than five dollars; and I suppose you paid his fare as you paid that of the rest of the party? A. I paid his fare; yes, sir.

Q. You did not call on him for payment? A. I found he had a small amount, and I thought it would not look right to take his fare out.

Q. You treated him as you did the others? A. Yes, sir.

Q. He had both legs off? A. No, sir; he had neither one off. He was lame in his leg. He had them broken or sprained, so that he was up there I don't know how long.

Q. He had them broken or sprained? A. Yes, sir; one of them.

Q. Well, you didn't learn — you learned about how much money he had, but you didn't learn that he had both legs off? A. This man had no legs off, that I recollect.

Q. This man that you are talking about had no legs off? A. No, sir.

Gov. BUTLER. All right, sir.

The CHAIRMAN. Proceed now, Governor.

Mr. BROWN. Do you claim that Ludwig had his legs off?

Gov. BUTLER. Does this close your case, sir?

Mr. BROWN. Yes, sir.

Gov. BUTLER. Very well; I will call a witness or two.

TESTIMONY IN REBUTTAL (*resumed*).

TESTIMONY OF ANNIE M. HANSON (*sworn*).

Direct examination by Gov. Butler.

Q. Annie M. Hanson is your name? A. Yes, sir.

Q. Where were you born? A. In Sweden.

Q. What was your maiden name, Mrs. Hanson? A. Anderson.

Q. Had you a sister by the name of Charlotte Anderson? A. Yes, sir; I had.

Q. When did you two come from Sweden? A. She came in 1871 and I came in 1872.

Q. She came a year before you? A. A year before.

Q. She was older than you? A. Yes, sir; she was nine years older than I.

Q. Did she send for you? A. Yes, sir; she did.

Q. She sent for you to bring you on. After, while she was here, did she lose her mind? A. Yes; she did.

Q. Were you with her then? A. I was there.

Q. Were you with her then? A. No, sir; I was not with her.

Q. Where was she sent to? A. She was sent to Taunton.

Mr. BROWN. That is not in rebuttal of anything.

Gov. BUTLER. Yes, it is. I propose to show that, having left those directions, the girl died soon after, and was buried, and she got no notice of the fact. Now, they have sworn, over and over again, that they notified everybody. Now, I have got a case where they knew perfectly well where this lady was, and she made a request that she might be notified if there was any trouble; and that contradicts every witness they have put on upon this branch of the subject. I want to show that she left a request.

The CHAIRMAN. You want to show, by the testimony of this witness, that she left a request, or that her sister said she left a request.

Gov. BUTLER. No, sir. Strange you should think I said that. No. What I said was that she herself left the request that she should be notified when anything happened to her sister.

The CHAIRMAN. Whose testimony does that rebut?

Gov. BUTLER. That itself does not; but the fact that the sister died, and she was not notified, contradicts the testimony of everybody upon this branch of the case; because they all say they notified all the friends, when they knew that the party had any friends, to come and get them. And this poor girl went to Harvard, and didn't get a Christian burial, as her sister tried to have her.

The CHAIRMAN. That is not in evidence.

Gov. BUTLER. Well, it will be when we get along, unless the committee rule it out.

The CHAIRMAN. I don't think it is presumed that anybody went to Harvard without evidence.

Mr. BROWN. Nobody has pretended, and the governor himself is not now pretending, and I cannot now recall the name of any witness who said that they knew who the friends of Charlotte Anderson were. On the other hand, he asked several times several people if they knew that she had a sister, and my recollection is that they invariably said they did not.

Gov. BUTLER. That is exactly what I have not claimed. I have claimed that they swore here, over and over again, all the Marshes, except the one that is eloigned — Charles swore, the old man swore, they all swore, Nourse swore, that whenever the address was known the party so claiming to be a friend was immediately notified, so that they might come and get the remains. That

they have sworn. To contradict that, I am going to show that the address of this lady was known. She notified them, and she got no notice of the death of her sister, so as to be able to go and take her away. Now, that contradicts the whole theory of the propriety of dealing with the dead in Tewksbury. It is not a question of whether anybody knew Charlotte Anderson's sister. They were not bound to know that. But Capt. Marsh did know; he was the person that should know; this lady told him, and made the request to him; and then her sister was taken, God and the authorities at Tewksbury only know where.

The CHAIRMAN. I think the committee will vote upon it.

Mr. LEARNARD. What is the question, Mr. Chairman?

Gov. BUTLER. The question is: Did she notify Capt. Marsh where to send for her in case anything happened to her sister?

Mr. BROWN. That, on the governor's own statement, is wholly new matter. They said that they did notify people, where they had knowledge. But he didn't ask Capt. Marsh if the sister told him what her address was, — where she could be found. It is entirely new matter in every aspect of the case.

[The testimony was admitted.]

Q. Now, Mrs. Hanson, what did you say to Capt. Marsh as to where you would be, or where you were? A. When I was there the last time my sister was sick, and I asked the nurse — when I was there the last time to see my sister alive, she was taken away from the children's ward. I asked Capt. Marsh and I asked Mrs. Parks to be sure and let me know if she was getting any worse, because she was such a sick girl she didn't know. And they promised to let me know; and they had my address, and I got a letter from there three weeks before; and they had my address, and I was in the same place two years.

Q. You asked them to let you know if she was worse? Did you get any notice of the funeral? A. No; I didn't get any notice at all. There was a friend of mine went out there to see somebody else, and she heard of it; and I went out the next day.

Q. After you left your sister, did you ever see her again? A. No, sir; I did not.

Gov. BUTLER. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. What was the address that you gave? A. It was 61 Clifford Street, Boston Highlands.

Q. To whom did you give it? A. I gave it to Capt. Marsh himself, and I see him write it down on the book.

Q. Where was he when he wrote it down on the book? A. He was in the office, and, at the same time, he wrote an order for me to draw some money out of the bank, that she had in the Suffolk Bank in Boston, of which I think he had a note.

Q. Where was this Mrs. Parks? A. She was a nurse in the ward across the yard; I don't know the name of the ward.

Q. How long after the death of your sister was it you went there? A. Three weeks after she was buried.

Q. Where are you living now? A. I am living in Boston.

Q. Whereabouts in Boston? A. I live at 24 Sheafe Street.

Q. Why did you feel delicate about telling what your number was? A. Well, I don't know, sir. I am not obliged to tell it to everybody.

Q. I didn't ask you that. I asked you why it was you felt delicate about telling your address, 21 Sheafe Street? A. Nothing particular.

Q. Why did you look at the governor to see if you should or not? A. I didn't know whether I should or not.

Q. Are you married? A. I am.

Q. Living with your husband? A. Yes, sir; I am.

Q. You are not engaged in any kind of business you are ashamed of? A. I hope not.

Q. Now, can you tell any reason why you feel delicacy in giving your address? A. No; I cannot give any reason.

Q. How long have you lived at 24 Sheafe Street? A. A year ago, the 24th of last October.

Q. Where did you live before that? A. I lived at Nanasket Beach with R. H. Stearns's family.

Q. How long did you live in R. H. Stearns's family? A. I lived there three summers.

Q. And winters too? A. No, sir. I lived on Washington Street with Mr. Crockett.

Q. What number on Washington Street? A. 1060, I think; the corner of Florence and Washington.

Q. How long did you live at Clifford Street? A. I lived there two years.

Q. Who lived there? A. George B. Hilliard.

TESTIMONY OF JOHN A. McARTHUR (*sworn*).*Direct examination.*

Q. (By Gov. BUTLER.) Dr. McArthur, where do you reside? A. In Lynn.

Q. What is your profession? A. I am a physician.

Q. Where did you study? A. Harvard medical college.

Q. When did you enter? A. In '67, I think, sir.

Q. How long were you there? A. About four years, I believe.

Q. Was Dr. Dixwell there when you were there? A. Yes, sir; he came there about the last of my being there.

Q. Did you make his acquaintance there? A. Yes, sir.

Q. Has that acquaintance continued ever since? A. Yes, sir.

Q. Are you in charge of any public institutions in Lynn? A. No, sir. When Dr. Dixwell was agent for the Society for the Prevention of Cruelty to Children, I acted for some time as agent.

Q. As their agent in Lynn? A. Yes, sir.

Q. How long ago was that? A. I should say it might have been four or five years ago.

Q. And you have known him from that time thenceforward? A. Yes, sir.

Q. And have you known other people who have known him? A. I don't know, sir, that I do; I may.

Q. Yes, sir. And you had occasion to act under his direction, you say? A. Yes, sir.

Q. Have you ever seen any signs of lunacy upon him? A. I never have.

Q. Whether, on the contrary, he is very bright and clear-headed? A. I always considered him so.

Q. Have you until this investigation ever heard his character for truth and veracity questioned? A. No, sir; I never did.

Q. You say he was the agent. He was at the head of the society, or managing man? A. He was the managing man.

Q. Managing man. Was he so for some years? A. I think he was for a number of years.

Q. For a number of years. Did you know about his being engaged in that business—in the business of taking care of destitute children—outside of what you were doing? A. Yes, sir; yes, sir. He was the general state agent of the society.

Q. General state agent of the society? A. I think so; yes, sir.

Q. When was the last time you saw him to talk with him?

A. Within perhaps eighteen months I saw him; perhaps not more than a year.

Q. Where was he? A. It was at the Parker House I met him. I was in the dining-room getting a lunch. I met him there and found him filling a lunch-basket, having quite a large quantity of food put up, and I asked him what he was going to do with that, and he said it was for some children, some hungry children he had found and who were at his office — three or four children — and he came there to purchase this food to feed them.

Q. Now, we will go to another subject. When you were with him in college, whether he was an active and close and energetic student? A. I always considered him so; studious and bright and active.

Q. When you were at college — you were there four years — did you ever go into the dead-house? A. Where the dead were kept?

Q. Yes, sir. A. Yes, sir; I have been in there.

Q. How many did you see there at a time?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. And I pray the judgment of the committee also. What do you pray the judgment of the committee upon? whether it is a warm day? I think they would be unanimous.

The CHAIRMAN. I doubt if we should.

Mr. BROWN. It is very comfortable, Governor. You may be getting a little heated, the rest of us are comfortable. This matter was gone into in chief. His Excellency has produced Dr. Dixwell to testify to that matter. A large amount of testimony has been produced to show that what Dr. Dixwell said was not a fact. Now, I suppose it is perfectly competent to show that the reputation of any one of those witnesses, who testified to the absence of those bodies at the medical school, is bad. It is perfectly competent to show that a certain line of facts — that they were not at the institution at the time they stated they were, or something of that kind. But the question as to whether there were bodies there or not, is not a matter in rebuttal. That was a matter gone into in chief; and out of the thousands of graduates of Harvard Medical School, His Excellency could have taken his pick, instead of taking a

man who, in Boston, — I venture to say we cannot find a man in Boston who will say he is of sound mind, — and he has to go to Lynn. I submit it isn't in rebuttal,

Gov. BUTLER. Is it in contradiction?

Mr. BROWN. That isn't, in rebuttal.

Gov. BUTLER. It is in contradiction of their witnesses. They brought the refuse of the Harvard Medical School to tell us that bodies were never there, except one or two. They swore to it, one after another, when those men said they visited it every day, and one went up there because it was his duty to visit it. Now, I propose to prove by this witness that there were fifteen to twenty there at a time, and they were kept stored there. The fact that that corroborates Dixwell, don't render it less testimony to contradict the fellow that contradicted Dixwell. Let us try it. We are trying a case of assault and battery, and the question was whether A struck B. A swears that he didn't strike B in defence. Then, to contradict A, cannot I put on the testimony of two, three, five or ten men, who were right there, to show that A did strike B? I should think so. Not for the purpose of proving that A did strike B, but for the purpose of proving the untruthfulness of A, who says he was there and didn't strike B. It wasn't to sustain Dr. Dixwell, because in my judgment he requires no sustenance, after all we have heard, but for the purpose of showing that all these men, picked out and culled out, don't tell the truth. If I am not to be allowed to show that they didn't tell the truth, then I might as well stop here, because that isn't less in rebuttal to show things inconsistent with the testimony of the defence. That is the very idea. Rebut. What is the meaning of that? It means to put away, set aside, to break the force of. Now, if I can prove, — and I have a right to call them all if I choose, — suppose I can prove by every student in Harvard College, except those three who were brought here, that there was continually kept on hand in that dead-house fifteen or twenty bodies, why, that would completely annihilate them. I cannot do it except by doing it one at a time. Well, as to the intimidation outside, that my whole time was to be taken up, and the defence was to be run as near as possible to the end of my time, and then my whole time was to be taken up by arguing questions of evidence —

The CHAIRMAN. The committee have no such intentions.

Gov. BUTLER. I understand the committee haven't, because you don't control the argument.

Mr. BROWN. I have taken the same number of days which His Excellency has taken, and I believe I have produced a much larger record. I will take the same question His Excellency takes. The question is whether A has been assaulted, and the government produce three witnesses to show that the defendant prisoner did assault A, and they stop; and then the prisoner puts on five witnesses to show that he didn't assault A; and now the governor's proposition is that the government can put on three more to show that he did. Well, then, if he can, the prisoner can put on six more, if he has got them, to show that he didn't, and so you can go on through all eternity. That is the naked proposal, as His Excellency puts it. I venture to say there is no more absurd statement put to any tribunal that had an important question to decide. His Excellency put in all the evidence he wanted; because he is the sole judge. He says he isn't the accuser, but I notice he determines everything to be done.

Gov. BUTLER. Especially the last three questions.

Mr. BROWN. You made it appear so clearly that you were wrong that the committee voted against you. Now he took his own time, and went on from the 30th of March until the middle of May. He had the catalogues of the Harvard Medical School; he had thousands of graduates within twenty miles of this city; he could have consulted them; he didn't. He chose to rely upon Dixwell and he came to grief, and now he wants to reinforce his case; he wants to put in another witness to testify to precisely the line of facts which were open to him in chief; and there is no chance, and he puts it on the ground that it is contradiction. Well, contradictions might go on, as I said before, indefinitely, and there would be no end to them.

Gov. BUTLER. There may be.

Mr. BROWN. I submit that it ought not to be allowed.

Gov. BUTLER. I agree that contradictions may go on. Let's follow out the illustration.

Mr. BROWN. I believe I didn't close.

Gov. BUTLER. I understand; but you didn't open.

The CHAIRMAN. Proceed, Governor.

Gov. BUTLER. I don't by permission, but I do by right. Now, for illustration, suppose, of the three or five witnesses I

should put on, the defence could show that one wasn't there at all; that he was down the harbor fishing, that day?

MR. BROWN. I agree, if you can show that none of these men were at the Harvard Medical School, all right.

GOV. BUTLER. The rule of testimony isn't covered by whether a man is a medical scholar. Then suppose, after they had done that—because I did that once myself—you could show that the man who was down the harbor with him, was actually in the house of correction, under lock and key? Couldn't they do that as rebuttal—sur-rebuttal—to the end of meeting the truth of witnesses; that is the point. And the jury in the case that I put, I think, would be instructed by the judge, that you must be convinced by the testimony that was put in, that an assault was committed, unless that has been controlled by the witnesses put in for the defence: unless their credibility is controlled by the witnesses again produced by the government, to show that the witnesses of the defence didn't tell the truth. And I think the case would get pretty fairly tried. But I want to say something more, once for all. We are here, all of us, not for the purpose of fencing upon technicalities, but for the purpose of ascertaining grave facts affecting, it is claimed, the credit of our Commonwealth and its charitable and educational institutions. Now, what ought we to desire? Not to see whether this, that or the other point can be taken to keep out the truth, but to hear the truth, to get at the facts, and to find out what the truth is. We are investigating. We are not trying the case. We are a grand jury; and I will venture to say that nobody ever heard, in a grand jury room, of the defence and the rebuttal and the order of testimony.

THE CHAIRMAN. There is only one side in the grand jury room, Governor.

GOV. BUTLER. I am aware there is only one side in the grand jury room. I said we are acting very like a grand jury here. [Laughter.] Now, I desire again, as I don't like to see men put out,—but if gentlemen will applaud, I shall ask to sit with closed doors. I want to aid the chairman in that regard, although I don't think men can be arrested by the order of anybody—

THE CHAIRMAN. Nobody has been arrested.

GOV. BUTLER. Now, the grand jury is to find out and hear only one side. There isn't two sides. There ought not to be two sides. I am putting in such evidence as I can, as there

Q. Did you see her there? A. Yes, sir; I did.

Q. Now, won't you tell us about her condition; whether she was raving mad, or only melancholy and quiet. A. Well, sometimes she was quiet when I was there. She never was very wild, but she spoke out of the way.

Q. Where was she sent to from thence? A. She was sent to Tewksbury from Taunton.

Q. Did you call on her at Tewksbury? A. Yes, sir; I did.

Q. How long after she had been there? A. About two months.

Q. How was she then? A. She was about the same way.

Q. Talking out of her mind, but quiet. Now, then, how often did you call upon her? A. Well, I called about every two months, first; the first year she was there.

Q. Well, after she had been there a year or more, did you call? A. Yes; I called there once, and I was told not to call so often, because she gets very wild after she sees me.

Q. Did she get very wild while you were there? A. No, sir; she never was. She always knew me, and she was glad to see me.

Q. You were told not to call so often, and you didn't. Did you call afterwards, when something had happened to her? A. Yes; I called about three months after she had a child.

Q. Did she have a child with her in the insane ward? A. No, sir; she was in the nursery; in the ward where the little babies are; I found her there.

Q. And had her child. Well, did you hear anything about that child until you went up there? A. No, sir; I never did.

Q. When you found her there, did you ask her anything about where her child came from? Yes, sir; I did. She didn't seem to know. I asked her if she had married the man.

Mr. BROWN. I pray the judgment of the committee. I don't know how that is in any way in rebuttal.

Gov. BUTLER. Why not?

Mr. BROWN. It is a conversation with a dead person, in the first place.

Gov. BUTLER. Conversation may lead to rebuttal; that is, evidence that comes out of conversation.

The CHAIRMAN. Your purpose is to show the paternity of the child; is that it?

Gov. BUTLER. I am going to try to show the paternity of

the child, and what this lady did about it to find out the paternity of the child.

The CHAIRMAN. How is that competent?

Mr. BROWN. It is entirely new matter.

The CHAIRMAN. Why isn't it?

Gov. BUTLER. I know it is new matter. All rebuttal is new.

Mr. BROWN. You said that before.

Gov. BUTLER. I know I did. I must say it over again, because it didn't make the proper impression upon the counsel. I have asked about the paternity of the child, and now I propose to contradict somebody about the paternity of the child. Contradiction is always rebuttal. I propose to contradict the witnesses.

Mr. BROWN. What witness?

The CHAIRMAN. Who is the witness you propose to contradict?

Gov. BUTLER. I propose to contradict Capt. Marsh. I propose to show that this lady got the history as well as she could, got what she said about the child; and she then took her sister and the child down to Capt. Marsh, and asked him about it; and I propose to put in what he said about it, too. I think I can contradict him. I could in any other court on earth.

Mr. BROWN. I would like to have His Excellency state to the committee what Capt. Marsh said about this child.

Gov. BUTLER. Certainly, I will state it—what this lady said to her sister.

Mr. BROWN. No.

Gov. BUTLER. Pardon me; I am not going to tell what my evidence is to be now. You will have to follow it. I propose to show what she said to her sister about who the father of the child was, and whether it was a young man. She would laugh; and when she was asked: "Why don't you tell him to marry you?" she said: "He is a gray-haired man, and I don't want to marry him, and I won't marry him," or something of that sort. Then she took the girl, her sister and the child, and went to Capt. Marsh and asked him about it, and he put his hands on this insane girl's shoulder, with the child in her arms, and said: "We know how to make babies here, don't we, Charlotte?" Now, I don't care which way you put it; whether it was the meaning that he was the father of the child, or whether it was a remark made to the sister of the insane woman

who was under his charge. If it was the latter, it was the most brutal treatment that could be given on earth; and if it was the first, everybody must draw their own conclusions.

THE CHAIRMAN. I suppose it is competent to contradict Capt. Marsh about what he said; but what this woman said about the paternity of the child, it seems to me, is not competent in any way. •

Gov. BUTLER. Pardon me. It is part of the whole transaction. This woman had left her sister there, when she knew her, a pure, insane woman, and she was told not to come so often, and she stayed away. At last she did go to see her sister, and then she found her in this condition. And she made inquiry of her, then and there, and then acted upon that inquiry. And there is no rule of law on earth, that I know of, that will not allow me to put in all that transaction. It has been held that the inquiry, on the contrary, — in the olden time, up to very lately, the inquiry of the party, of a woman who had a bastard child, was made a prerequisite to her fathering the child on to anybody, — made the highest species of evidence. It fixed the father, and without it she could not fix the father. And not only that, she told where it was got, if I remember right, — and I guess I do, because I asked Capt. Marsh if this woman didn't go out berrying.

Mr. BROWN. Mr. Chairman, His Excellency did ask Capt. Marsh if he didn't use a certain expression to the sister of Charlotte Anderson.

Gov. BUTLER. No, sir; I did not.

Mr. BROWN. Well, you just said you did.

Gov. BUTLER. No. Strange you can't get it. I asked him if he ever told anybody.

Mr. BROWN. And now you say he told the sister.

Gov. BUTLER. I do.

Mr. BROWN. Now, that, Mr. Chairman, is the farthest to which rebuttal could possibly go.

THE CHAIRMAN. The question is whether it would not be admissible for him to show by this witness that Capt. Marsh did use the expression, "We know how to make babies up here," or something of that kind, to her.

Mr. BROWN. But certainly it is a new proposition to me that an insane woman is a competent witness; and it is another very absurd proposition that what an insane woman says is competent testimony.

The CHAIRMAN. The committee passed upon that in the early part of the hearing.

Mr. BROWN. Yes, in the early part of the hearing. Now, is it competent to deny what Capt. Marsh said in the expression referred to. Well, let us see. In the first place, Capt. Marsh was asked, not as a part of his direct examination, not at all. He was asked by His Excellency that question. It is a fact brought out by him.

Gov. BUTLER. Of course.

Mr. BROWN. It is a matter entirely immaterial to this investigation. He said he didn't remember. Now, apply the rule that His Excellency has invoked here half a dozen times. You could not pursue him on perjury for that. And that His Excellency says is the invariable rule. If you cannot pursue him on perjury, then you cannot rebut. Now could you pursue Capt. Marsh for perjury on that? He didn't make any such statement. He didn't remember any such statement. He didn't tell us, it was possible that he might have used such an expression, or something to that effect. Now, it is perfectly evident to my mind, it seems to me, under the rules established by the committee, under the preceding votes which the committee has taken, that it is perfectly incompetent for any part of the story which His Excellency says he wants to put in, should be admitted, except, possibly,—and it should be limited to that, if at all,—whether Capt. Marsh didn't use the expression referred to to this witness — if that is his expression. And I say there is a serious question about that. Taking the rule which His Excellency has himself invoked, that would not be admissible.

Gov. BUTLER. I don't care to say anything more about it, and I don't know as it is my turn to say it.

The CHAIRMAN. I understand the law to be that where a witness is asked an immaterial question he cannot be contradicted. If I were to pass upon this question I should say that the governor can contradict, in the discretion of the committee, the expression of Captain Marsh which has been referred to; but the admission of what this woman said as to the paternity of her child, the committee have already passed upon.

Gov. BUTLER. Not to my knowledge.

The CHAIRMAN. I will submit the question to the committee. The question is whether the governor shall be allowed to ask the witness as to what Charlotte Anderson said as to the paternity of her child.

Gov. BUTLER. That is not the question that I am submitting.

The CHAIRMAN. What is the question, exactly, Governor?

Gov. BUTLER. This is the question: Whether, when a relative goes to the state almshouse and finds her sister with child, having been there so long that it must have been begotten there, whether her inquiries and the answer to them can be put in evidence, when she acted on those inquiries and pursued the investigation.

The CHAIRMAN. It might have been in your main case, but not in rebuttal, I take it.

[A vote was taken and the question was rejected.]

Q. Well, after you had the conversation as to who the father of the child was, did you go with Charlotte and the child down to Captain Marsh's office? A. Yes, sir; I did.

Q. Did you meet Captain Marsh there? A. Yes, sir.

Q. What did you say to Captain Marsh, and what did he say to you or Charlotte?

Mr. BROWN. Now, I pray the judgment of the committee. I think the witness's attention should be called to that expression.

Gov. BUTLER. Pardon me; I can put in the whole conversation now. I never heard of a part being put in and a part not.

Mr. BROWN. The witness should be asked whether Captain Marsh used that expression.

Gov. BUTLER. That would be leading.

Mr. BROWN. You have a perfect right in rebuttal to call attention to it. If she says he didn't, that is the end of it. If she says he did, why His Excellency can stop. If I wanted to go into it that is another matter. But we are not to have all this conversation which took place about matters material and immaterial. The whole object of rebuttal is simply for the purpose of getting at whether Capt. Marsh used that expression in the presence of this witness. That is the only question before the committee—whether Capt. Marsh used that expression in the presence of this witness.

Gov. BUTLER. How Capt. Marsh treated this complaint, what was said about it, all that he said, are acts of his as the head of this institution.

Mr. BROWN. It might have been put in in chief, but not now.

Gov. BUTLER. This doctrine about new matter never has

been held before and never will be again. But I am talking —

The CHAIRMAN. [Interrupting.]

Gov. BUTLER. I cannot argue against the chairman. But I am talking now under the strictest rule of evidence. I am entitled, it seems to me, substantially admitted, to a part of the conversation. It takes two sides of a pair of scissors to cut, and I therefore have a right to the whole if I can put in any part.

The CHAIRMAN. You call this witness, as you say, to contradict Capt. Marsh as to a particular statement he used.

Gov. BUTLER. No; I call her for more than that. There is the difficulty. I call her to show the treatment that these people received at his hands. He said it was universally kind and courteous. I went all over that, and we had an explosion of pauper eloquence upon the question. Now, I want to show but one case, and that will be enough. Where a respectable lady, as respectable looking as any of our wives and sisters, went there after her unfortunate sister, when the sister came with the child in her arms into the presence of the head of the institution — I want to see what satisfaction was given, what investigation was ordered, what was done to assuage her grief, all that was done. And there is no rule, except the rule of prejudice, that will rule it out, that I know of.

The CHAIRMAN. Governor, I think the committee will, after awhile, resent your slurs upon the committee,

Gov. BUTLER. Pardon me; I have said nothing about the committee. Nothing but conscience will point my words.

The CHAIRMAN. Here is a trial that has been going on for more than two months. You had the floor here two months to try this case. If this woman did visit Capt. Marsh, if you knew she visited him, and if attention was called to it, it was part of the trial. This investigation must terminate sometime. To admit this testimony would be to retry the case. To contradict what Capt. Marsh said in regard to this particular phrase that you say he used seems to me to be competent.

Gov. BUTLER. To that I answer that now is given to me by the favor of the legislature three days to put in my evidence; therefore there must be an end sometime. And I propose to use it in such form as I please under the rules of law. And now one word. Yesterday I was accused of making an attack

upon the committee. I said that certain things would be boy's play; not on the part of the committee, but I was trying to argue to them.

The CHAIRMAN. I understood you to reply to the committee.

Gov. BUTLER. Then that last remark applied to the committee, when you said there had been as much boy's play on one side as on the other.

The CHAIRMAN. No; I spoke of the counsel.

Gov. BUTLER. Think a moment; you didn't refer to the committee nor did I. I was referring to the boy's play of the counsel, who had sent away a paper that the committee were investigating.

The CHAIRMAN. I understood you to refer to the committee.

Gov. BUTLER. Not at all, sir. The difficulty is I am not the accuser.

The CHAIRMAN. We think you are, Governor.

Gov. BUTLER. I am not the accuser, and the committee — it is their conscience, if they have any accusation.

The CHAIRMAN. I don't understand that the committee have any accusation in that direction.

Gov. BUTLER. When I say prejudice I say there is no rule but the rule of prejudice against the case, that I know of, that will rule it out. And I do that for the purpose of cautioning the committee, after fair opportunity to choose language, when I don't see a full committee here.

The CHAIRMAN. We are not to blame for that, Governor.

Gov. BUTLER. I am not to blame for that.

The CHAIRMAN. We should like to have them all here.

Gov. BUTLER. I must do the best I can with the best material God gives me for witnesses.

The CHAIRMAN. I think with the committee the proposition is, as far as I know, that the evidence must be strictly in rebuttal; otherwise we never should get through, because the other side would be entitled to respond.

Gov. BUTLER. Very well; if the legislature chooses to give that, I have no objection.

Mr. BROWN. Then, if I understand it, the plan of His Excellency, fully developed, is to get in new matter, to which I cannot reply on account of an order of the legislature.

Gov. BUTLER. I am going to get in plenty of new matter, but it will be in contradiction of other people.

The CHAIRMAN. The committee are under orders to close the

hearing Friday night, and they will do so, unless the order is rescinded. Now, Governor, if you will repeat the question to the witness.

Gov. BUTLER. My question is — take it down, sir — when you went there, after having conversed with your sister as to the paternity of that child, did you go with her to Capt. Marsh and speak to him upon the subject, and what did Capt. Marsh say to you, and what did you say to Capt. Marsh?

Mr. BROWN. Wait one moment.

The CHAIRMAN. I don't think it is competent. The question is, shall it be admitted?

[The question was rejected.]

Q. Now, then, did Capt. Marsh put his hand, under those circumstances, on the shoulder of Charlotte and say: "We know how to make babies here, don't we, Charlotte?" A. Yes, sir; he did.

Q. Did he say anything more as to the paternity of the child?

Mr. BROWN. Wait one moment. I pray the judgment of the committee. He has exhausted the whole purpose of the inquiry.

Gov. BUTLER. I propose to ask precisely the question he put here to Mr. Doane, when he asked: did he say anything about having any more money?

Mr. BROWN. That was on direct examination.

Gov. BUTLER. I propose to show the negative; that he didn't make any other excuse.

The CHAIRMAN. The committee will vote upon it.

Gov. BUTLER. Yes; I want a ruling from the committee.

[The question was rejected.]

Gov. BUTLER. Well, I will offer it again when I have a full committee. Now, I put simply the question whether there was anything else said, and you reject that.

Q. Now, did you go away and leave your sister there? A. Yes, sir; I asked for her —

Mr. BROWN. Never mind what she said.

Gov. BUTLER. Yes.

Mr. BROWN. Then, I put it to the committee whether the only point has not been answered.

Gov. BUTLER. Well, then, the committee will have another point to decide. I now propose to show that she left directions where she could be sent for, in case anything happened to her or the child.

is brought to me, to affect the minds of this investigating committee. Brother Brown will bring such as he thinks ought to be put in to affect your minds. It isn't the trial of a cause. I am here this hour as I was the first hour I stood here upon this matter, and this talk about rebuttal seems to me to be entirely wrong. Whenever the committee had enough of evidence to convince them of a certain fact, they could say, We don't want to hear anything more upon that subject. That has always been in their power. They should be willing to hear every fact that tends to show whether there was a right conduct of that institution in all its branches and all its ways, and that is the rule which should govern, I respectfully submit. And I respectfully submitted that, not quite in the same words, but very early in the investigation — my remembrance would be, the first time. Now, I am here to bring such testimony. Mr. Brown having brought all that he thinks will enlighten the committee, I have a little more that I think will enlighten the committee, and I want to have that heard. If the committee won't hear it, why then we shall only be in the condition that they haven't heard all that they might have. That is all. It is a plain common-sense matter. You are to hear everything upon the question that may be put, until your minds are convinced that that testimony is enough of it, and that that fact is proven; then you are to stop it, but not short of that. Now, if you are convinced entirely that Dr. Dixwell told you the truth, you can stop me; I cannot help it. But as long as you are in doubt about that, I must show all the facts about it, because the question whether he told the truth isn't of a copper's consequence except as it tended to show the condition of things at Harvard.

MR. BROWN. There is another objection which His Excellency has now brought out—that is, that the committee have already decided that they would not investigate Harvard College. We never went into it originally, except upon the promise of His Excellency that he would connect it with Tewksbury, — made four times upon the record, and not fulfilled.

MR. MELLEN. It seems to me we should vote in favor of it. I think the question is admissible. If the committee think it is right to do just as Mr. Brown suggests, or to omit what he objects to, there is no use discussing the matter.

THE CHAIRMAN. I do not think that is a fair remark to make.

MR. MELLEN. It seems to me from the remarks in the papers

that there is an effort to prevent the introduction of any testimony by the governor, of anything new, if it is going to affect the Tewksbury people. I think that is stretching the thing too far. I think it is our duty to try and ascertain everything in the premises, and if by Friday we are not finished, the legislature will take the responsibility of shutting it off. But, in the meantime, if there is any evidence that is about to do this institution harm, I say no major part of the committee should stand in the way of the admission of that evidence because it is going to do harm to that institution, on the pretext that it is something new, because it is contradictory; if it contradicts the testimony brought forth by Mr. Brown, I think it ought to be admitted, no matter what the consequences are. I think there is more time taken up by counsel in discussing it than would be taken if the matter were let go in without discussion.

MR. CHAMBERLAIN. The difficulty, I submit, is this: This same class of testimony was put in direct examination. Now, no doubt, there could be a large number of persons brought on here to testify, there certainly would be no chance of rebuttal from the other side, and, it seems to me, it ought not to be admitted. It certainly cannot be rebutted if it is brought in, unless they brought in eight or ten men, which would prolong it if put on. For one, I am in hopes this hearing would be closed by next Friday.

MR. MELLEN. We are not so anxious to get in rebuttal evidence to defend that institution. If that is the end of the gentleman, it may be very well to keep this out, for it is for the benefit of parties in defence here. I claim it is our business to get the truth. If there is something said which does much hurt to the defence here, if they can demonstrate that they can contradict it, and show it is false, I would be in favor of making a strenuous effort to prolong the hearing to enable them to make their defence. But I think this matter should not be kept out on account of a technicality. This committee determined at the start it would not be governed by nice legal, technical points; and it is not now. It wasn't composed of lawyers. It was composed like other legislative committees; that whatever was submitted should be determined from a common-sense standpoint, and not from technical standpoints; otherwise, it would be composed of lawyers, and they would be governed by these technical points, but it is not; and I think we should be governed by common-sense rules, and not by what lawyers

think would be the practice of a court. To my mind this evidence is admissible, viewing it from a layman's standpoint.

MR. CHAMBERLAIN. I trust all the other members of the committee are as desirous of arriving at the truth in the matter as the last gentleman is.

THE CHAIRMAN. I suppose they are. I suppose that after this trial has been going on three months it might be well to refer to some rules of law. In my opinion, it wasn't any question of law for a man to testify that these babies were not there because he didn't see any there. That was the testimony of Dr. Porter, and it seems to me it would not be in the nature of rebuttal.

[The committee voted to reject the question, three favoring admission and four against.]

Q. (By Gov. BUTLER.) Dr. McArthur, did you see what was done with the remains of dissection during those four years that you were there?

MR. BROWN. I pray the judgment of the committee that this isn't in rebuttal.

GOV. BUTLER. It is in contradiction of the witness who said something was done. He says something else was done.

MR. BROWN. His Excellency has already put in what was done with the remains. Now, if he wants to contradict his own witness —

GOV. BUTLER. That wouldn't be in rebuttal.

MR. BROWN. The defence have substantially admitted that same thing took place. The only difference between the evidence offered by the defence and that offered by the governor is this: that the defence went one step further, and showed that all parts of human bodies taken off in process of dissection were put into boxes and afterwards buried. That His Excellency did not show when he was putting in his evidence in chief. Now, if you purpose to show by this witness that the contents of those boxes did not go to Forest Hills or any other place, that, perhaps, would be in rebuttal; but simply what was done with the remains in the dissecting-room, I understand there is substantially no disagreement. Consequently, there is no occasion for putting in this evidence, as it is not in rebuttal.

GOV. BUTLER. If the defence propose to admit that instead of being buried they were thrown down into the vault, I don't want to put it in.

The CHAIRMAN. I believe it was not contradicted at all, up to a certain period.

Gov. BUTLER. Yes.

Mr. BROWN. It was shown, up to a certain period, that they were thrown in the vault, and that that vault was not subject to entrance by lobsters and eels, as His Excellency asserted, and no water was admitted except as it came through the brick-work, and at stated intervals the contents of the vault were taken out and buried. That was what we showed. We showed that subsequently there was a change. The contents were put into pails, that the contents of the pails were put into boxes, and the boxes delivered to the undertaker and buried.

Gov. BUTLER. Now I want to contradict that story.

Mr. BROWN. What story?

Gov. BUTLER. Pretty much all you said about it. I want to show that the pails were emptied at night into the vault, and that then the larger portion of the contents,—what was taken off by the dissecting-knife and thrown into the pail,—and then that the larger portions were not buried, not sent away to be buried in the day-time and as a proper interment, but that they were sent away in carts at night. It simply contradicts all the story that these people get up.

Mr. BROWN. I submit that that is not in rebuttal.

Gov. BUTLER. Well, it contradicts your stories.

The CHAIRMAN. It contradicts what Dr. Porter said. There is no contradiction by anybody that the remains were thrown into this vault up to '69. Now, if the governor proposes to contradict what Dr. Porter says was done after that, it seems to me it is admissible.

Q. (By Gov. BUTLER.) You were there until how long?

A. I was there until the spring of 1872.

Gov. BUTLER. I want to show what was done with the bodies before they were dissected, and what was done afterwards.

Mr. BROWN. Then I submit, Mr. Chairman and gentlemen, that it is entirely new matter and not in rebuttal.

The CHAIRMAN. The question was asked what he knows of what was done. I think that is entirely competent. Let us see what the next question would be.

Gov. BUTLER. Suppose he knows, and if he answers it he does, then I want to ask what was done with them. I can put it in leading form, and I will deal with perfect frankness with

the committee, and I don't want to get anything by side wind at all.

The CHAIRMAN. I think it is competent to show anything to contradict anything said by the physicians as to the disposition of the remains after dissection.

Mr. BROWN. That is, after 1869.

Gov. BUTLER. If there was a different mode from what they state.

The CHAIRMAN. The question may be answered, unless it is desired to pass upon it.

Mr. BROWN. I object to the question, Mr. Chairman.

The CHAIRMAN. Then I will submit it to the committee. Let us have the question put, Governor, exactly.

Gov. BUTLER. I will put it exactly, and make it in leading form, so as to bring out what was done first with the smaller portions which were dissected off — what was done with them — and what was done then with the larger portions, like the bones, which wouldn't go into the pail.

Mr. BROWN. To that I object.

The CHAIRMAN. You are contradicting Dr. Dixwell now, Governor. The answer may contradict your own witness.

Gov. BUTLER. I must take the risk of that. I will take the risk of that.

The CHAIRMAN. Of course that goes to its competency. The committee may vote upon it. I don't care to express an opinion.

[On motion of Mr. Mellen it was voted that the question be admitted.]

Q. (By Gov. BUTLER.) Now, Doctor, won't you tell us exactly. Begin at the beginning, even at the risk — A. The soft parts, the waste matter that was dissected off during the day was thrown into a bucket. Each table is supplied with a large bucket, and the parts are thrown into that, and at night they are removed by the janitor. The coarser, drier parts are thrown into the vault; and the softer parts, if the buckets were not full, or containing but a small quantity, I think was thrown into a drain, or down into a place back which was used for drainage purposes — thrown away. So far as I observed this was done at night. The larger parts, the bones, that were not taken away by the students after dissection — and a great many of them were taken away by the students for the purpose of making anatomical specimens — I can only say a few nights

I dissected there late, until two o'clock in the morning, and during that time a wagon or cart came to the college and took away the larger part, and cleaned up all the larger parts that were left or abandoned by the students. This was under the direction of the janitor.

Q. Now, Doctor, while you were there did you see any bodies skinned and the skin taken away for the purpose of tanning?

MR. BROWN. I object to the question.

GOV. BUTLER. What is the objection?

MR. BROWN. The objection is that that is not in rebuttal.

GOV. BUTLER. Why not?

MR. BROWN. Why, in the first place, it has nothing to do and there is no pretence that it has anything to do with Tewksbury. The committee have ruled upon it several times. If it had anything to do with the case, or if it could be shown to have had anything to do with the case, it should have been put in in chief. It is not in any way in rebuttal.

GOV. BUTLER. The point again here is a very simple one. They brought all the doctors that they could get up to say that no skin was taken off or allowed to be taken off for the purpose of being tanned. I propose to show, by this and other witnesses, that it was done by the students for the very purpose of being tanned; and the coarser skins for the purpose of being made into slippers; and the finer skins, from ladies' breasts, for the purpose of being made into gloves. I have heard it said here I was making a great deal of a freak of a student. I propose to show that for years it has been done for an industry; for I take it, when bodies are skinned and the skins taken away for the purpose of being put into commercial value, that that is an industry. Now, I have heard over and over and over again, that I haven't connected Harvard with Tewksbury. Why, their very report is here that so many hundred bodies of men, women, and children were actually supplied to Harvard. I said I would connect Harvard with Tewksbury. Their justification is, that they gave them to Harvard by the hundreds — many more hundreds than they own up to, whenever we can get those books, which I suppose we never shall — and that Tewksbury took a bond that those remains should not be used for anything but anatomical science; and my charge, not against Harvard but against Tewksbury, is that with the duty upon them to see what was done with the property which they were allowed by law —

we all agree upon that, that it should be used for a specific purpose — whether they made inquiry, and we have heard them all, and neither trustee, nor superintendent, nor book-keeper, nor anybody but Thomas J. Marsh, Jr., — and he hasn't been on the stand — made any inquiry whatever as to what was done with them. I want to show, that for a long series of years, there has been a constant custom of taking away the skins as a matter of industry. Now, it is said that I went into that in chief. I did to a little degree. The answer was, you don't show that they came from Tewksbury. I will by and by make quite clear in one instance, and I was told that, when I offered the evidence while the defence was going in, I must go to the time of rebuttal — that was what the chairman told me in the case of Eckland's skin, whom we had a mark on.

The CHAIRMAN. I don't remember having made any such remark.

Gov. BUTLER. I think you will find it in the record.

The CHAIRMAN. I said you could not interrupt the defence to put in original evidence.

Gov. BUTLER. Now, what does it do? It rebuts and meets the defendant's case, which is, that they, acting as public officers, did their duty in the disposal of these remains. This thing shouldn't have been going on with proper investigation for years and years, and should not have been going on. It horrifies everybody that it should go on. I complain that they made no investigation. If it was a freak of a single student, done in the night-time, when nobody could know about it to stop it, why that is one thing. If it was done, and the students spoke of it and claimed the parts of the body as their own, and took the skins and said, We paid for them and this is ours, and we will make boots of it, or slippers of it, and gloves of it, — why then it is a thing we ought to know, and it ought to be known to the people of the Commonwealth as well as the legislature, that there may be some legislation against it if it is necessary, as it would be necessary if such was the fact. Now, here is a committee of investigation. I am ready to prove this custom. If you rule it out, I have done my duty, and I have no doubt you will do yours.

Mr. BROWN. There is no pretence that this is newly discovered evidence, and the presumption therefore is, that it has been known for some time. Certainly, all the means of information upon the record as it now stands, were just as accessible to His

Excellency on the 1st of January, as they are to-day — just as accessible. Now, he don't offer any excuse for that whatever, and this is simply repeating. It is arguing, it is saying, Well, I haven't made out anything out of this skin business so far.

Gov. BUTLER. I have said nothing of that sort.

Mr. BROWN. The charge that all this was the freak of a student strikes me with a great deal of force, and I am inclined to think that His Excellency believed that that is the way it should be put; and now I want to give him another chance. Well, I am not here to defend Harvard College, except as it is connected with my professional duty to Tewksbury. But I don't believe, as I said before some time ago,— I don't believe, without any notice, that there is any pretence that we knew anything about it, without any notice to Harvard College, in the absence of Harvard College and its officers, that this investigation should go on, except upon some promise that it should be connected with Tewksbury; and then the question may be fairly raised, how many promises you are going to make before you have them fulfilled. We have had four already.

Gov. BUTLER. To the new matter I want to speak. I undoubtedly might have used this evidence before if I had had it. And perhaps some of it I should. I don't put it upon the ground of newly discovered evidence, because that would be a question to be raised after the end of the investigation. But this evidence, — most of it, — all this was done in secret, you must remember. Most of this evidence has come to me — that I have not put in — as the trial went on. This gentleman, since I closed my case, happened to speak of the matters to friends; that man happened to be a friend of mine and he told me of it, and I saw him for the first time this morning for five minutes. I sent to ascertain and summon him here. But I put it upon the ground that at any time that this is not evidence to try Harvard College. They sold the parts of the bodies to students through their janitor, and most that bought them did just what they pleased with them. They took away as much as they pleased; they left what they chose; and, if I am right in this testimony, — if am right I propose to show that when Dr. Porter and others came here and told you that that wasn't the case, they told you what they didn't know to be true. That is all.

The CHAIRMAN. It has seemed to me all the way that the tanning of human skins is entirely immaterial, unless it was

shown to be done with the knowledge of the management of Tewksbury. That is the view I have taken of it.

Gov. BUTLER. My proposition is that they ought to have known it, and investigated into it. That is the only difference between us.

The CHAIRMAN. We look at it differently, of course. That is my view. We were told at one time that we were to have knowledge — the fifth hearing — “ that some dead bodies were delivered at Harvard and some at the other schools ; and some were not. Some were not delivered anywhere. Some were skinned, and the skin sent forward to be tanned.” We haven’t any evidence about it. It seems to me there isn’t a scintilla of evidence about it.

Gov. BUTLER. I have shown that the bodies came from Tewksbury. That is the skin, I submit —

The CHAIRMAN. It is shown that some bodies came from Tewksbury ; but not all that came to Harvard.

Gov. BUTLER. And the committee refused to let me show how many they got from other places, and shut me out.

The CHAIRMAN. Harvard College is not on trial here.

Mr. MELLEN. I ask to have the question stated again.

The CHAIRMAN. Governor, put the question.

Gov. BUTLER. The question is, Did you see, while you were there, any bodies, or parts of bodies, skinned by students in the dissecting-room, and were you informed, at the time the skinning was done, the purpose for which the skinning was done, — to make them into slippers and gloves? That is the question.

The CHAIRMAN. That is a question for the committee to vote upon.

Mr. MELLEN. It seems to me, Mr. Chairman, if that was a practice at the Harvard medical institution, — if these bodies came from Tewksbury, and it was a matter of some notoriety, as it seems to me it was, and as the governor is trying to prove it, that Tewksbury is somewhat responsible, and that Thomas J. Marsh, the assistant superintendent, who has got that book we want so much to see, and that we desire to produce and inspect it, and that these skins were sold, as the governor suggests, to develop a new industry in this State, — technically whether it is our duty to inquire or not ; but I think, as the committee on charitable institutions, I think it is our duty to inquire into it if that was the custom, and I think we should permit this witness to testify if that was the practice.

[The committee voted to reject the question ; 3 for admission, 6 against.]

[A recess of five minutes was taken.]

Mr. MELLEN. Now, Mr. Chairman, I propose to test my individual right as a member of this committee to get information, and I will tell why. If you recollect towards the close of the governor's part, the governor expressed himself somewhat after this fashion: That he would close, — I can't give his language, but the idea, — but he expected to be able to put in new evidence later on. There was no objection made. I am of the opinion if there was he would have then striven to have got in his new evidence at that time. That being the case, I protest against the attempt of the majority of the committee to keep out such evidence as he now desires to get in.

The CHAIRMAN. Fortunately for us this time the vote included one of the minority.

Mr. MELLEN. Well, that may be, one out of a half-dozen. I am sorry for the minority that that one made a mistake in voting with the Republican majority.

The CHAIRMAN. I presume the minority can take care of itself without your defending it.

Mr. MELLEN. It was a mistake, and he, probably, in thinking it over will come to that conclusion. Now, sir, I propose to ask this witness a question, and ask just the question that the Governor asked ; and I maintain it is my right, as a member of this committee. If I am to make a report as a member of this committee I want all the facts, and I propose, if I can, to get them.

The CHAIRMAN. That raises the question whether you or the committee is in charge of the hearing.

Mr. MELLEN. It is my right, as a member of the legislature, to secure information, and if that information is at hand. I maintain, as a matter of common sense, that if the majority use their might, because of having a majority, to debar me from getting the information that I believe to be vital, that they do a gross injustice.

The CHAIRMAN. You may ask the question, and the witness need not answer it till we see what it is.

Q. (By Mr. MELLEN.) Now, sir, I wish you to tell me, the committee, what the practice was, or if it was a practice, of skinning any of the corpses at the Harvard medical institution?

The CHAIRMAN. You need not answer till the committee

decide. The question is whether the witness shall answer the question?

Mr. MELLEN. I maintain that any member of the committee has a right to ask a question. I maintain that the chairman has time and time again asked the counsel, "have you anything to say?" without consulting the committee. He has given opinions at times when it seemed to me that it was highly indiscreet, when I didn't interfere.

The CHAIRMAN. If you had objected the committee would have had to have settled it.

Mr. MELLEN. I maintain on this matter that it is my right to get this information as a member of this committee. I wish, Mr. Chairman, to have this distinctly understood, that I have got the privilege of acting for the committee, so far as I am concerned, in the House of Representatives, when the report comes in. I can make a report individually that may differ from the report of all the others that you may make jointly. That is my privilege. Now, if that is my privilege, have you a right to debar me from the information that may enable me to make that kind of a report? I think not. That is what you assume to have. I say it is my right to get this information from this doctor who was at Harvard at that time, if he can give the information.

The CHAIRMAN. I will put the question.

Mr. WOLCOTT. I think, if this matter is to be discussed at length, the proper place to discuss it is in executive session of the committee.

The CHAIRMAN. I don't think there will be any prolonged debate on it.

Mr. MURPHY. I think the position, Mr. Chairman, that Mr. Mellen takes on this question is identical with the stand I took here at an early stage of the hearing. If I remember right, the chairman accused me at that time of trying to buldoze the committee, or something similar. I think the minority has a certain right, and they should have the right to have the information they desire in order to make a report, — if it comes to such a pass that a minority shall make a report. I look upon this committee here somewhat in the light of a board of judges, and, if I am correctly informed, a judge on the bench has a perfect right to ask any question he sees fit, that he thinks has a bearing upon the case, and he cannot be prevented from doing so by the rest of the judges on the bench with him.

The CHAIRMAN. The bench controls the judges, I take it.

Mr. MURPHY. This is the understanding I have of the matter, and until I get my information about the control from some other source, I will still hold to that understanding of it.

Mr. MELLEN. Another thing, Mr. Chairman —

Mr. LEARNARD. I move we adjourn to executive session, if this matter is to be further discussed.

Mr. MURPHY. I hardly think it is necessary to adjourn to executive session. I think the matter can be settled here, now, with less expenditure of time than in executive session.

Mr. MELLEN. I wish to say again, Mr. Chairman —

Mr. LEARNARD. I don't withdraw the motion, Mr. Chairman.

The CHAIRMAN. Then it is moved we go into executive session. That is debatable, of course.

Mr. MELLEN. Most certainly it is debatable.

Mr. MURPHY. I think the motion is made, Mr. Chairman, with the intention of wasting time.

The CHAIRMAN. I think the committee is ready to vote.

Mr. MELLEN. Well, if the committee have made up their minds in advance that they will vote for everything that Counsel Brown suggests, they are ready to vote.

The CHAIRMAN. Our minds are all right this morning, as we have a conspicuous example.

Mr. MELLEN. Out of five votes, I say, he may have voted with you once; but I think he has made a grievous mistake.

The CHAIRMAN. I think he can defend himself. I will put the question.

Mr. LEARNARD. I withdraw the motion for adjournment, and call for the previous question.

The CHAIRMAN. There is no previous question in such a case as this.

Mr. MELLEN. There is another proposition on the part of the majority against the minority, calling for the previous question. It is in the line of muzzling, stopping off the expression of any opinion with which he is in conflict. I say it is wrong; but it seems to me it is in keeping with the policy of some of the rancorous papers, and with the policy of somebody not so far off as the papers.

The CHAIRMAN. We excluded the newspapers here once on a similar occasion.

Mr. MELLEN. Let me say that you didn't exclude the line of

policy which I now claim as a right, in the early part of this hearing. You then acted as all committees act; and let me call your attention to that fact, that in your experience and in my experience upon a legislative committee, you have never been debarred from asking a question of somebody who may appear before the committee; never, sir. It was never attempted till it was attempted in this committee.

The CHAIRMAN. It is simply a question who runs the committee, the majority, or whether one man can run it; that is all there is to it.

Mr. MELLEN. It is nothing of the kind.

Mr. CHAMBERLAIN. I move we adjourn; we don't want this further discussed.

Gov. BUTLER. Allow me to make a suggestion to the committee, as *amicus curiæ*, and that is that the previous question is never operative in committee of the whole.

The CHAIRMAN. I have suggested, Governor, it is not operative here. I rule that there is no motion for the previous question in.

Mr. MURPHY. I should like to say, before we go into executive session, if the majority propose to vote that way on that matter, that this question has been up before, two or three times, and the members of the committee have never been prevented from asking any question they saw fit, so far as I remember it; and it does seem to me that at this late stage of the hearing, under the circumstances, as though it was hardly the proper thing to prevent any member of the committee from asking a question which he considers will give him information to make his report. It does seem to me, if such a policy is taken up at this late stage, as though it was preconcerted and intended on the part of the committee, as though the thing was all understood.

Mr. WOLCOTT. The gentleman knows nothing about it, Mr. Chairman; and if he does state that, he undertakes to state that which he has no means of knowing.

Mr. MURPHY. No means of positive knowledge; I acknowledge that.

Mr. WOLCOTT. The gentleman should be more careful in drawing inferences.

Mr. MURPHY. I cannot help drawing inferences when they are so strong they look like facts.

The CHAIRMAN. When the committee votes by a majority of

six to three they won't have a certain question answered. I think they have a right to insist that the question shall not be answered.

MR. RISTEEN. I should like to ask if it has not been the custom for the chairman and other members of this committee to ask various questions?

THE CHAIRMAN. I have.

MR. RISTEEN. That were not exactly in the line, or not allowed, or not thought of at the time of the examination.

THE CHAIRMAN. They have never been objected to.

MR. RISTEEN. They have never been objected to, and the chairman has asked more questions of that kind than any other member of the committee.

THE CHAIRMAN. Certainly; and they have not been objected to. When they are objected to the committee will have to decide.

MR. MURPHY. I should never have thought of objecting, because I thought it nothing more than courtesy and right to allow him to.

THE CHAIRMAN. After a vote of six to three, of both parties, — if parties are to be brought in here, — on each side of this question, I take it the committee has a right to control the matter.

MR. MURPHY. And will the majority of the committee prevent the minority from getting vital information, to be used in making up their report? Don't you think that it is rather a dangerous policy and power to let the majority have?

THE CHAIRMAN. No; there must be an end to all things. They cannot prevent your asking a question, but they can prevent its being answered.

MR. MURPHY. What is the use of asking it, then?

MR. MELLEN. That is absurd.

THE CHAIRMAN. That is the parliamentary rule, I take it.

MR. MELLEN. I take it, it is not the parliamentary rule for any majority of the committee to prevent me from getting information upon a subject which shall assist me, as well as the other ten members of the committee, when that information is at hand and can be known. Then, I say, it is contrary to common sense when the ten, if it be ten, endeavor to debar me, — unless what I ask is ridiculous, and no man dare intimate that is the case now. I am asking for information that the committee should get, and it is only debarred by the majority on the score that it

is new : that is all, — that, and what I may suspect, because it may be damaging to their friends.

Mr. CHESTER. We are now on the fifty-eighth hearing.

The CHAIRMAN. The fifty-ninth, isn't it?

Mr. CHESTER. The fifty-eighth, I think.

The CHAIRMAN. Well, it is bad enough, any way.

Mr. CHESTER. I think that the gentlemen who are now so strenuous that they may be permitted to ask this question, after the committee have once ruled upon it, are asking more than is fair from the members of the committee, who have given their time so patiently to all these hearings. Now, I don't wish to be invidious to my friends from Worcester and Boston, but I must say I think they could have got just as much information upon all the points pertaining to this case if they had been present at every hearing, and put their questions in at the time the witnesses were on, as they can now by taking this time, which is the very last of the session of the committee, almost.

Mr. MELLEN. That is ridiculous ; this gentleman was not on the stand before.

The CHAIRMAN. Mr. Chester has the floor.

Mr. MELLEN. So we could not have got that information.

Mr. CHESTER. I don't speak very often, and I hope I may be permitted to say what I have to say. It may not amount to anything, but I hope the gentleman will have the courtesy to wait.

Mr. MELLEN. Go on ; I certainly won't debar you.

Mr. CHESTER. I said the gentleman could not have got the information, not from this witness, but from the other witnesses, the doctors who were here, on this very question. But no questions were asked of them about their knowledge of skinning, or anything of that kind ; and now, at this late day, when the whole force of State detectives have been scouring the State to get witnesses in this direction, and only one witness has been obtained, I think it is not fair to the rest of us, that we should go into a new line of evidence, which the opportunity has been repeatedly given to go in upon, and take up the time of our committee, now, to protract this hearing beyond the time which it should be. We have been limited by the direct vote of the legislature, to report on Tuesday, and I submit that we should not enter into any new line of evidence, and bring up any question which has been decided as this has, now. It has been de-

cided fairly. And if anything is to govern people, I suppose it is majorities.

Mr. MELLEN. Mr. Chairman, there is an inconsistency in the remarks of the gentleman. He says the opportunity was presented of asking these questions before, and before he concludes, he says this is new matter. Now, if it is new matter, there was never an opportunity given to ask the questions. Now, I wish to say another thing to the gentleman. I say it is contemptible for any member of the committee to keep throwing out the fact that somebody was not in attendance as many times as he. I am willing to accord him the —

Mr. CHESTER. The gentleman will do me the justice of saying I have not thrown it out before.

Mr. MELLEN. It has been done by the gentleman, now.

Mr. CHESTER. I think I have reason to say what I have.

Mr. MELLEN. Perhaps you have, but I think it is contemptible for men to be telling of their virtues here; how well they have been in attendance. I haven't found fault with what has been done in my absence; I haven't tried to undo it; but this is in my presence, this is information, which the governor thinks is of importance, and this witness can give it. It is new evidence, my friend says. If it is, I want it. I think the committee should want it; if they do not, then I shall test my right as a member of the House, as a member of this committee, sent out to get information as to the management or mismanagement of this institution. It is my right that I have this information. I ask this question that I may get this information, that I may give it to my fellow-members of the legislature, to do with it as they see fit, — to find out whether they look at it as I do, as of sufficient importance to say there was a wrong.

Mr. MURPHY. I should like to say, Mr. Chairman, that this is the first time, since I have been present at the hearings, that any of the members have thrown any slurs at my head in regard to absenteeism. I can only say this: that I think the gentleman must be very much mistaken, and I should appreciate his kindness more, if he had been a little nearer the truth than what he was.

Mr. CHESTER. Mr. Chairman, I will not answer the gentleman at this time.

Mr. MURPHY. I think you had better not.

Mr. CHESTER. I am not afraid to answer you; I want you to understand that.

Mr. MURPHY. I want you to answer.

The CHAIRMAN. I think we are limiting the time of the governor by this discussion; I don't object, however.

Mr. CHAMBERLAIN. It must be a very curious investigation, going on for months, when one single member, if ten men had voted that evidence was not admissible, should ask as his right that that evidence should be admitted. I only say that that must be a very curious investigation.

The CHAIRMAN. I will put the question, if there is nothing further to be said.

Mr. MELLEN. I only wish to show here what took place at an early stage of our proceedings, — page 24, volume first. — to support the position I now assume.

"Now, for my satisfaction," — this was what I said then, — "now for my satisfaction as a member of the committee and as a member of the House, I wish to repeat Gov. Butler's question, and I wish to know if you saw the bones of those dissected infants on the same table with the bones of animals that were dissected?"

The committee permitted that.

The CHAIRMAN. That was the first hearing, three months ago, when it was in the discretion of the committee.

Gov. BUTLER. Three months?

The CHAIRMAN. The twenty-ninth of March, Governor, pretty near three months, — a little more.

Mr. BROWN. You have called it four, twice, Governor.

Mr. MELLEN. If it was right then, it is right now.

The CHAIRMAN. It was in the discretion of the committee.

Mr. LEARNARD. Question!

The CHAIRMAN. If there is nothing more to be said, I will put the question.

[Mr. Mellen's question was excluded by a vote of 3 to 5.]

Mr. MELLEN. I defer to the will of the committee, but I give notice to the committee that I propose to bring the matter before the House and ascertain, this afternoon, whether I have got the right or not.

The CHAIRMAN. You will do in the House as you are advised.

Mr. MELLEN. I will do in the House, not as I am advised, but as I please, sir.

The CHAIRMAN. Exactly; that is what I said. Proceed, Governor, if you have anything further.

Gov. BETLER. Under the ruling of the committee, I have no further need of this witness.

Cross-examination by Mr. Brown.

Q. You went to the Cambridge medical school, the Harvard Medical School, in the fall of '67? A. I think it was 1867, sir; I looked for my cards of admission last night and failed to find them; I think it was in '67.

Q. How old were you then, Doctor? A. I have not figured that up; I am 51 now.

Q. Well, then, you stayed there four years? A. I stayed more than four years altogether. I was there nearly four years before I took my degree, and I remained about the college and dispensary and so on, for more than a year after that. I had admission to all parts, free of expense.

Q. And then you went to Lynn and settled, did you? A. No, I did not, sir.

Q. Where did you go? A. I went to Cambridge and remained there a few months, and then went to Lynn,— not to Cambridge, to Charlestown.

Q. And then you went to Lynn? A. Then went to Lynn.

Q. When did you go to Lynn? A. I went to Lynn in the summer of '72, in July.

Q. And you have been there ever since? A. Yes, sir.

Q. And you have stuck pretty close to your business? A. I think I have.

Q. Don't come to Boston very often? A. Oh, I do occasionally, now; I don't work so hard as I used to.

Q. Dixwell visit you in Lynn, occasionally? A. Dixwell has been to Lynn, perhaps twice, at my office.

Q. But you haven't been to Boston to inquire about him? A. No, sir; I have not.

Q. You haven't watched the newspapers, to see what the newspapers said about him? A. I read the newspapers pretty closely.

Q. Do you recollect reading in the Boston Post of July 2, 1861, an article called, "Dixwell Exposed"? A. No, sir; I don't read the Post, I read the Advertiser.

Q. You don't read the Boston Post? A. Very seldom.

Q. July 2, 1881, I should say; you didn't read the Post of that day? A. I don't remember.

Q. An article entitled "Dixwell Exposed"? A. I may have seen it; I judge not.

Q. Do you remember to have heard about the controversy between Dr. Dixwell and the Italian doctor, Dr. Pagani, I think it was, where there was a duel to be fought? A. No, I don't.

Q. Don't remember that? A. No; I don't remember anything of that kind.

Q. Where Dixwell summoned the doctor to fight a duel? A. I don't remember that.

Q. Did you ever hear he was expelled from his position as an officer connected with the Society for the Prevention of Cruelty to Children? A. I have heard that there was some misunderstanding in the board or committee, and he was either expelled or resigned, I don't know which.

Q. When did you hear that? A. Oh, I don't know; I saw that in the papers.

Q. Saw that in the papers? A. Yes.

Q. Did you hear, in connection with that, that he hadn't properly accounted for the funds of the society? A. No, sir; I did not.

Q. Did you also hear, in connection with that same matter, that he had been taking fees from foreigners who came here to Boston? A. I did not.

Q. Of \$10 and \$20, under pretence of assisting them in getting their children into some institution, and then leaving them in distress? A. I never heard anything of the kind.

Q. Never heard of anything of that kind? Well, did you ever hear of a controversy between Mr. Dixwell and Caesar Carrifer, an Italian? A. I did not.

Q. Did you ever hear of the society organized by Dr. Dixwell, known as the Society of the Red Cross? A. No, sir.

Q. For the purpose of taking care of children? Never heard about that? A. No, sir.

Q. Did you ever read the publication in the newspapers in regard to Dr. Dixwell's obtaining money from one August Rozie, an Italian, under false pretences? A. I don't remember I ever did.

Q. In October, 1880? A. No, sir; I don't remember that I did.

Q. Did you ever hear of his picking up children and keeping them, and demanding money for their return? A. No, sir.

Q. Never heard of that? A. No, sir.

Q. Never read anything about it in the newspapers? A. Never, that I remember.

Mr. MELLE. I would suggest that Mr. Brown read the article. [Referring to a newspaper which Mr. Brown held in his hand.]

Gov. BUTLER. No, sir.

Mr. MELLE. Let us get the whole of it.

Gov. BUTLER. The difficulty is, I am afraid it would not pan out.

Mr. BROWN. Well, this is good Democratic authority.

Gov. BUTLER. The same sort of Democracy that was in it the day or two before election, as an advertisement, I suppose. I should like to know how much was paid for the article; do you know?

Mr. BROWN. Well, the article says here at the head of it, "On account of the deep interest manifested by many of our prominent citizens as to" —

Gov. BUTLER. You won't read the article.

Mr. BROWN. "As to the" —

Gov. BUTLER. Stop a moment!

Mr. BROWN. You wanted to know how much was paid for it.

Gov. BUTLER. Does it state in there?

Mr. BROWN. No, sir.

Gov. BUTLER. Then, what did you read it for?

Mr. BROWN. Because you asked the question, and I wanted to show what the fact was.

Gov. BUTLER. I asked what was paid, and then you undertook to read the article, when you admit it don't say what was paid.

Mr. BROWN. It don't say there was anything paid; on the contrary, it says it was not paid for, but that the matter was published on account of the deep interest in this matter, in this swindler.

Q. Did you ever hear of the controversy between Dr. Dixwell and Elizabeth I. Pinkham, which took place in October, '77? A. No, sir.

Gov. BUTLER. Do you think these are proper questions to be asked?

Mr. BROWN. Yes, sir. He says he never heard anything affecting his reputation or his character, and I want to know if

he understood this. The same questions you put to a witness over in Cambridge in reference to the *Boston Herald*.

Gov. BUTLER. Pardon me; the questions I asked at Cambridge are not subject to your criticism here.

Mr. BROWN. I know; but it is good precedent, sometimes, to take you at your word.

Gov. BUTLER. Pardon me; I am glad you have such a good opinion of me as to take everything I do as a precedent for you. The compliment is not a great one, but I thank you.

Q. Did you ever hear of what took place in February, 1871, in regard to the controversy between Dixwell and Joseph Castri-
trine? A. I don't remember.

Q. You did hear of his being dismissed from this society called the Society for the Prevention of Cruelty to Children.

Gov. BUTLER. He did not say so.

Q. You saw something about it, you said? A. I said I saw something in the papers about it,—that there was a misunderstanding in committee, but I do not know whether I understood it that he was discharged from his office or whether he resigned his office. I knew that he was out of his office; and, if you will allow me, Mr. Chairman, to say in regard to this matter,—when I met him,—if you will permit me to make this remark,—when I met him at Parker's, the reason why I asked this question, I suspected he was on some charitable work, when he was filling his hamper; I saw him pay a dollar and a half to the waiter for the provisions. I said, "Dixwell, are you going picnicing to-day, filling your hamper?" "No," said he. "I am not." Said he, "As you know, I do not hold the office that I formerly held, but to-day I found four little children destitute and hungry, and I have taken them to my office, and I buy this to feed them." That is the last time I have seen Dr. Dixwell.

Q. Then you don't mean to say you never heard anything against his character? A. Yes; I do mean to say I never heard anything derogatory to Dr. Dixwell's character till this investigation began. I say that what I have heard, what I knew, my information came from the newspapers.

Q. You didn't consider the newspaper report that he had been dismissed, or something of that kind, derogatory to his character?

Gov. BUTLER. He didn't see any such newspaper report. I object to that question. [To the witness.] Stop a moment!

THE WITNESS. It was a matter that interested me at that time very little and passed from my mind. I haven't thought of Dr. Dixwell.

Gov. BUTLER. He said he didn't hear whether he was dismissed or resigned; why leave out the rest of the question?

Mr. BROWN. I put my own questions, usually.

Gov. BUTLER. I know you do.

Q. Were you at the Harvard Medical School four years continuously? A. Yes, sir.

Q. You saw Dixwell in the dissecting-room? A. Yes, sir.

Q. How was he dressed? A. In the dissecting-room, we usually all of us had a —

Q. No; I want to know how Dixwell was dressed? A. There was nothing about his dress —

Q. I didn't ask you that; I want to know how he was dressed. A. I don't know; I don't remember there was anything marked about his dress.

Q. Did he wear his hat in the dissecting-room? A. Sometimes, and sometimes did not.

Q. What kind of a hat was it? A. I think Dixwell usually wore a black slouch hat, I should call it.

Q. Broad brim? A. Rather broad brim.

Q. With a band on it? A. I don't remember that.

Q. A weed on it? A. I don't remember that, sir.

Q. High crown? A. I don't remember that he ever did.

Q. High crown? A. No, sir; I should judge not.

Mr. MELLEN. Very interesting, Mr. Chairman; great bearing on the case!

Q. Did he wear a dressing-gown? A. I think he did, in the dissecting-room.

Gov. BUTLER. Does a hat have any tendency to prove that he did not tell the truth?

THE CHAIRMAN. Well, it is pretty distant.

Mr. MELLEN. But Mr. Brown can ask anything he pleases.

Gov. BUTLER. Very well; then I have some questions.

Q. He wore a dressing-gown; what sort of a dressing-gown was it? A. Some old affair.

Q. Some old affair, or was it a new, gorgeous affair? A. I don't remember it was anything new.

Q. And he had a girdle around his waist, didn't he? A. I don't know about that, I am sure.

Q. Did he have on slippers or boots? A. That, really, I don't remember, sir.

Q. Now, Doctor, don't you know that —

Gov. BUTLER. The only reason why I think the chairman might take some control is that this comes out of my time, and, I suppose is done to take it up.

The CHAIRMAN. The question of limiting cross-examination is a difficult one, Governor. If you object to this I will let the committee pass upon it.

Gov. BUTLER. No; I think I had better let it run. I only want to call attention to the reason it is done.

The CHAIRMAN. Dr. Dixwell was your main witness.

Q. I want to know, Doctor, if Dixwell didn't go into that dissecting-room dressed in a fantastic costume, repeatedly, so as to be a matter of comment among the students? A. Nothing that I remember that ever called my attention to it.

Q. How long were you at the medical school with Dixwell? A. I don't know, sir; he came in somewhere at the last of my being there.

Q. At the last of your being there? A. Yes, sir; there was nothing about it to call my attention to it particularly; I only remember him as being there; as coming in toward the last.

Q. Didn't know much about him? A. No, sir.

Q. You were not interested enough in him to have any conversation with anybody else about him? A. No, sir; never.

Q. Never? A. I think never.

Q. And you don't know, to-day, but what you could go out on the street and find fifty people who would tell you his reputation for truth and veracity was bad, if you tried, do you? A. Oh, I don't know, sir.

Q. Don't know anything about it? A. Nothing.

Q. The question had never been raised in your mind; never gave it a moment's thought and never inquired? A. I did when —

Q. Did you ever inquire of anybody in Boston what his reputation for truth and veracity was? A. No, sir; I never did.

Q. Well, do you know why you were sent for from Lynn to find out what the reputation for truth and veracity was of a man living in Boston? A. I judge it was from some remark I made to friends of mine that came to the ears of the governor, or parties.

Q. What was that remark? A. I said if Dixwell was insane it was, I thought, since I saw him last.

Q. That is about eighteen months ago? A. I should think it was eighteen months ago.

Q. Did you know he had had a very severe fit of sickness? A. I did not till I saw it in the paper.

Q. Till you saw it in the paper; that is in connection with this investigation? A. Yes, sir.

MR. MELLEN. It is twelve o'clock and time for the executive session.

THE CHAIRMAN. Do you move to adjourn?

MR. MELLEN. Yes, sir.

GOV. BUTLER. Are you through with this witness?

THE CHAIRMAN. The committee desires an executive session on the matter of Mr. Marsh.

GOV. BUTLER. I wish the gentleman would withdraw the motion, because the pond will fill up before another meeting if we have a recess.

MR. MELLEN. How long will you take, Mr. Brown?

MR. BROWN. I will not take, certainly, over five minutes.

MR. MELLEN. Governor, how long will you want, then?

GOV. BUTLER. Not more than two minutes.

MR. MELLEN. I withdraw the motion.

Q. With the exception of the time you saw Dixwell at the Parker House, and with the exception of the two visits which he made to you at Lynn, had you ever seen him since you left the medical school? A. Yes, sir; I had met him on the street to have conversation with him. — was once at his house, at his office in Pemberton Square, once, or twice, perhaps.

Q. When was that? A. Oh, that was within six years, I should say.

Q. When were his visits at Lynn? A. I cannot place them, sir, but I should say three or four years ago; it might have been, perhaps, five.

Q. Well, were the two visits near together? A. Yes; I think they were; it was to investigate one case out of the city.

Q. Do you recollect what that case was? A. I don't recollect the particulars of the case, but it was the stabbing or cutting or maiming of a child, a boy, by another boy; and Dixwell came down to see about it, and it was some distance out of the city and he wished me to investigate it. Then some gentleman interested in this work came from Boston; what his name

was I can't remember ; we went out and saw the parties, but we could not get the facts of the case. Then Dr. Dixwell, after some correspondence and so on, I think he came again, and we looked it up and investigated it ; it was put in the hands, I think, of one of our Boston officers.

Q. Now, when were the visits which you made at his house, any of them, as near as you can? A. I can't tell, sir ; but I should say it was five or six years ago.

Q. Now, sir, during the last three years, how many times have you seen Dr. Dixwell? A. Oh, I should say I had seen him, during the last three years, perhaps not more than two or three times.

Q. Not more than two or three times? A. Perhaps not more than twice.

Q. Now, when you have seen him, how was he dressed? A. He wore his customary wide-brim hat, but there was nothing else about his costume that caused any attention from me.

Q. Nothing else about his costume except his hat? A. Except his hat.

Q. Now, what was there about his hat that attracted your attention? A. It was an unusually wide-brim hat.

Q. An unusually wide-brim hat? A. Yes, sir.

Q. Sort of a Mexican hat, wasn't it? A. Yes, sir ; something of that kind.

Q. Saw nothing else that indicated to your mind that he had a sort of fantastic notion about his dress? A. No, sir.

Gov. BUTLER. No, sir ; I object to that question. There isn't anything fantastic —

The CHAIRMAN. I think you have pursued the dress part of it far enough.

Gov. BUTLER. I wear a very broad-brim hat myself.

Mr. BROWN. That attracts some attention, you know.

Gov. BUTLER. Undoubtedly ; the fools are not all dead.

Mr. BROWN. And they still stick to their hats. That is all, Doctor.

Re-direct examination by Gov. Butler.

Q. I want to ask you, Doctor, did you ever hear that he starved his grandmother to death? A. No, sir.

Q. Did you ever hear that he poisoned his mother? A. No, sir.

Q. Or that he killed his brother? A. No, sir.

Q. Now, Doctor, I want to ask you further ; you have been

asked whether you ever inquired about his character for truth and veracity, — did you ever inquire about the reputation of your own clergyman for truth and veracity? A. No, sir.

Q. Or any of your highly respectable neighbors? A. No, sir.

Q. Did you ever do that? A. I don't think I ever did.

Q. And you treated Dr. Dixwell precisely, in this regard, as you do everybody else whose characters are unassailed and, so far as you know, unassailable? A. Yes, sir.

Gov. BUTLER. That is all, sir.

Mr. MELLER. I don't think it is wise for the committee to meet at two o'clock. The House is in session, and I presume the Senate, and an important matter —

THE CHAIRMAN. The Senate is in session, but we want to give the governor all the time we can, and we want to give him two sessions a day.

Mr. MELLER. That is all right; I don't propose to make any other regulation about that.

THE CHAIRMAN. Oh, you mean to change the time.

Mr. MELLER. Yes; probably we will do something about the contempt case of Thomas J. Marsh. If we do, it will be reported this afternoon, and surely it is the duty of the committee to be present.

Gov. BUTLER. I will be below, and any time the committee are ready to call me.

Mr. MELLER. I would suggest it be four o'clock.

THE CHAIRMAN. I can't sit here after four o'clock.

Gov. BUTLER. I will be in readiness to attend at any moment; have my witnesses in readiness.

Mr. CHESTER. Make it three o'clock, Mr. Chairman.

Gov. BUTLER. And sit till five; that will give us the other hour.

Mr. MELLER. I think we ought to have an hour and a half in the House. We won't get through at three, and no member of the committee will want to leave at three o'clock. I think you will find it a pretty interesting session this afternoon; make it 3.30.

THE CHAIRMAN. The longest time will be put first.

Adjourned to half-past three.

FIFTY-NINTH HEARING.

TUESDAY, July 10.

The committee met in the Green Room at 4.15 p.m., Senator LORING of Worcester in the chair.

TESTIMONY OF ALONZO T. ANDREWS (*sworn*).*Direct examination by Gov. Butler.*

Q. What is your business, Mr. Andrews? A. I am in Faneuil Hall Market; fruit and vegetables.

The CHAIRMAN. Give us the full name, Governor.

Gov. BUTLER. Alonzo T. Andrews.

The WITNESS. Of the firm of Andrews & Gleason.

Q. State whether, about nine years ago, you had occasion to visit frequently the Harvard Medical School room. A. I visited it twice, if you call that frequently, Governor.

Q. I didn't know how many times. You visited it twice. Did you visit the dead-room many more times than that? A. No, sir; but I went through the whole building, as I supposed, both times.

Q. About how long ago was that? A. It was nine years ago last December, or possibly in January.

Q. In the day or evening? A. Sunday afternoon, both times.

Q. Whether you saw at that time any infant bodies on the dissecting-table.

Mr. BROWN. I object to the question. It is the same question that has been ruled upon.

Gov. BUTLER. It has not been ruled upon.

Mr. BROWN. It is the same line of inquiry.

Gov. BUTLER. Not at all.

Mr. BROWN. It was ruled upon in the case of Dr. McArthur.

The CHAIRMAN. The committee will vote upon it.

Gov. BUTLER. It was testified here that they had never any

there dissected, because they were of no use ; that nobody ever thought of it. You remember what was said about dissecting an infant's body ; and there never was one on the dissecting-table ; never. Now, I want to prove that that is not true, and I think I ought to be allowed to do it.

The CHAIRMAN. You will remember, Governor, I suppose, that you admitted there were no babies dissected in the dissecting-room.

Gov. BUTLER. In what?

The CHAIRMAN. In the dissecting-room.

Gov. BUTLER. Pardon me ; I said that upon my own testimony. There were none testified to in the dissecting-room. I now discover I was mistaken, because I have found a man that has seen them. I thought the men told the truth, but they didn't. I thought I could believe something.

The CHAIRMAN. The committee will vote upon it if there is no further argument. The question is whether this witness shall be allowed to testify that he saw babies in the dissecting-room of the Harvard Medical School.

Gov. BUTLER. Partially dissected.

The CHAIRMAN. Those in favor of admitting the testimony will raise their hands ; five. I should vote in the negative if it would do any good. It is admitted.

Q. Very well. Now, won't you state, sir, whether you saw any babies on the table? A. On one Sunday afternoon that I passed through the room I saw two children that I should judge to be less than two years of age ; possibly they might have been less than 18 months old. One of them, on the second table, as I passed down through between them, had its head sawed off diagonally from the forehead to the back of the head.

Q. How was the other? A. On the other the arms and limbs were being dissected. I don't know what you call it, because I don't understand ; but the cords or muscles were separated so that you could see them.

Q. Where they on the same dissecting-table? A. No, sir ; on separate tables. Every table was full.

Q. What, sir? A. Every one of the tables was full ; but they were the only children.

Q. What was on the other tables? A. Bodies of men and women ; the different parts were dissected, — in different stages of dissection.

Q. At one of these visits did you go into the dead-room?

A. I did not go into it, Governor; I looked into it both times.

Q. Both times? A. Yes, sir.

Q. Did you see bodies there? A. I did, sir.

MR. BROWN. I object to the question if it applies to the bodies of children.

Gov. BUTLER. Pardon me; we were told again that there were never more than one or two there upon any occasion, and I am going to try to prove that the men that say so don't tell the truth; that is all. If I cannot prove that these men lied, I might as well stop here as at any time.

MR. BROWN. Mr. Chairman, the difficulty with this evidence is, I don't know anything about this man's relation; I don't know who he is; he is a stranger to me.

Gov. BUTLER. I would not abuse him to begin with.

MR. BROWN. I have not abused him. The only abuse that I know he has been subjected to is that he is in your and my company, so far. There is no pretence that these children came from Tewksbury.

Gov. BUTLER. Why not?

MR. BROWN. Because you haven't made any.

Gov. BUTLER. O Lord! Give me the trustees' record, will you, where they have made up the account on the 22d of March.

MR. BROWN. And it is not in contradiction of anything that has been said by any witness that has been produced in defence. It don't appear now, after the committee have admitted it, that the bodies of these children were not the bodies of monstrosities. Nobody is contradicted. It is entirely and absolutely new matter; and it is new matter that don't affect anybody except Harvard College, which is not a party here under investigation. If the committee want to go into it and want to take the time, I don't know that I object to it very seriously.

Gov. BUTLER. All I can say is I have heard over and over again, *ad nauseam*, that there is no proof that any babies went to Harvard. If I can find that report in the record of the March meeting of the trustees —

The CHAIRMAN. Thirty-six, I think, is the number, in all; they don't say how many to each. The report don't show when they went, but the testimony of Hall and Chase was there were none went before 1876.

Gov. BUTLER. Because they were not there.

MR. BROWN. They were there before 1876 and there were none to their knowledge that went before 1876. That report don't show when they went except that they went.

GOV. BUTLER. Now it is in evidence that thirty-six went to Harvard, but it does not appear when they were sent there.

MR. BROWN. It does appear, — since 1873.

GOV. BUTLER. And there is no report at all prior to that time. But the great question — that is an objection it may be to the weight of the evidence ; but you cannot prove your whole case by one witness. That is not the point at all ; the point is this : these doctors swore that there was never more than one or two bodies in that dead-room, and they swore it like a flock of sheep — that is, three — going over a wall one after the other. Now I propose to prove that there was a large, a considerable number, all tumbled in higgledy-piggledy, if I may be allowed to. I have spent all this day trying to get in two witnesses, and under this continued objection, and with reiterated votes taken on every question ; most of the day besides has been taken away from me —

THE CHAIRMAN. Not by a majority of the committee, Governor.

GOV. BUTLER. I don't know who it was done by. I am like the fellow who said he knew that millers' hogs were always fat, but he didn't know on whose corn they were fatted.

THE CHAIRMAN. You heard the proposition of your friend here on the left.

GOV. BUTLER. I know nothing about it ; I am not permitted to know.

THE CHAIRMAN. I have been here since three o'clock waiting to hear your Excellency.

GOV. BUTLER. It was not my fault. I had it all this morning, this continued objection. And so long as you will have it re-argued every time, upon every proposition, why, then, I might as well stop here, because if we proceed in that way my time will be all taken up. I put on two witnesses this morning that should not have taken more than fifteen minutes each, — but they took the whole morning, — because both of them were to a single point. And I called attention, in the case of Miss Anderson — Mistress Hanson — that there was not a word of cross-examination on the point to which she testified.

THE CHAIRMAN. As I remember the testimony, the doctors testified that they saw infants there several times. In the year

1875 there were three, as I remember it, and the evidence was one at a time. Now, if you are to meet that, it seems to me it is competent to show that at that time there were more there. That would necessitate this witness' knowing what years they testified to. It seems to me that the witness might then contradict them; but it seems to me he ought to know what years they testified to.

Gov. BUTLER. They covered the whole time.

The CHAIRMAN. And this witness —

Gov. BUTLER. He goes to the time nine years ago, and covers the exact time.

The CHAIRMAN. If he does that, it seems to me it may be competent. Nine years ago would be 1874. If he can swear that at that time, when the doctors swear there were not any there, there were bodies there —

Gov. BUTLER. That is exactly what I am trying to do.

The CHAIRMAN. I don't think you have laid a foundation for that.

Gov. BUTLER. He said he went there nine years ago, and Dr. Porter and the others cover the whole time.

The CHAIRMAN. I go so far, as your Excellency knows, as to hold to the belief individually that this is entirely immaterial, because Tewksbury is not *scienter*; but the committee have gone into it.

Gov. BUTLER. Well, we won't argue that over again, I trust.

The CHAIRMAN. The committee will vote on this proposition, and nothing else, and settle it.

Mr. BROWN. Supposing the view of the chairman to be correct, why isn't it competent for me to reply with another batch of witnesses to swear that they were there and there were not any there.

The CHAIRMAN. I think it is.

Mr. BROWN. And so keep going on indefinitely. The governor has put on witnesses who said they were there. I have put on several who said they were not there, because they didn't see them. Now, he supplements his original case by putting on a witness who says they were there. Now, I could go on and he could go on, and we could keep it up indefinitely.

Gov. BUTLER. The difficulty is, I put on Dr. Dixwell to cover a certain time. Now, I put on a witness to supplement him. They put in testimony covering all time.

[The testimony was rejected; one for, two against.]

Gov. BUTLER. What was the vote, sir?

The CHAIRMAN. One in favor, two against.

Q. Did you see any children in the dead-room?

Mr. BROWN. I pray the judgment of the committee. That is the same question, substantially.

Gov. BUTLER. No, sir; it is not the same question.

The CHAIRMAN. Will the committee admit the question — whether he saw any children in the dead-room. Those in favor raise the hand—two; one; admitted.

The WITNESS. May I ask for instructions as to what you call children; whether you mean babies, or grown children fourteen years old.

Mr. BROWN. If he means babies, that is the very question that has been decided against.

Gov. BUTLER. No; I asked before if he saw bodies there — corpses. Now I want to know if he saw any babies.

The CHAIRMAN. That has been rejected.

Gov. BUTLER. Pardon me; that is not the question I put; I don't know what you rejected.

The CHAIRMAN. That is the question we voted upon.

Gov. BUTLER. No; I said corpses; when he looked into the dead-room did he see any corpses, bodies.

The CHAIRMAN. Let us see how the stenographer has it.

Gov. BUTLER. I don't know what Mr. Stenographer has got, and I don't care. I know, for I had a memorandum before me.

[The stenographer read the question: "Did you see bodies there?"]

The CHAIRMAN. That was admitted.

Gov. BUTLER. Then I will ask him over again.

Q. Did you see any bodies there? A. I did, sir.

Q. A good many of them? A. Yes, sir; I should say a good many.

Q. How were they aligned? A. I could not express it any better than to say that if I got on a four-foot pile of wood and threw it off on to the ground — they were aligned in that shape as the wood would fall; crosswise, heads and feet, head to the foot, on the floor — on the rack.

Q. Did you see trunks? A. I did, sir.

Q. Whom did you go in with? A. I went in with the janitor and somebody else that I could not tell you. I was introduced to the janitor by a party who was boarding at the hotel where I was.

Q. Now, then, did you see any child there among those dead bodies?

Mr. BROWN. Now I pray the judgment of the committee; that has not been voted upon yet.

The CHAIRMAN. I understood it was voted upon and admitted.

Gov. BUTLER. So did I; if you understood bodies when you were voting.

The CHAIRMAN. I understood the question to be whether he saw bodies of children, and it was voted that it might be answered.

Gov. BUTLER. All right. Now, then, you may answer the question.

The WITNESS. I saw the body of one baby.

Q. Where was that? A. Lying between the legs of a man.

Q. What did you go in for; anything but curiosity? A. That is all, sir.

Q. Did you see these things both times you were there? A. I saw at one time I was there two babies on the tables. I saw the trunks both times. At the other time I saw the one baby in the dead-room. Both times the dead-room was full of dead people, and the tables were full both times.

Q. Now, then, how far apart were those two visits? A. I should think six or eight weeks; possibly longer — during that winter.

Cross-examination by Mr. Brown.

Q. That was nine years ago this last winter, was it? A. Yes, sir.

Q. That would be in the winter of '73, about that? A. I don't figure it that way. All the way I figure it is by the time I was boarding at the Quincy House.

Q. Can you tell me what year it was, whether it was 1873 and '74? A. It would be 1873-74.

Q. Whom did you go there with? A. I went there with a party whom I don't know, didn't know; was a friend of the janitor.

Q. Didn't know him when you went there? A. I had met him.

Q. Didn't know his name? A. No, sir. The janitor's name I have learned only lately by reading the testimony here; it had gone from me. I think his name was Waterhouse.

Gov. BUTLER. He succeeded Andrews.

The WITNESS. There was another party assistant to him. There were four of us went through.

Q. You went down with an unknown person? A. I went down on the invitation of the janitor; the unknown person was there.

Q. And you were acquainted with Waterhouse? A. I had been introduced to him and he invited me down there.

Q. And the unknown person you met there? A. I saw him there; he was there only once.

Q. You say there were four of you. Who was the other? A. The assistant, I should judge. At any rate, he took a body on the back of his shoulders and carried it up stairs. I supposed he was the assistant.

Q. Now, let us see. Those bodies on the dissecting-table were the bodies of two children? A. Yes, sir.

Q. Did you examine them? A. As near as anybody who is not used to the business would care to.

Q. I don't care anything about that. I want to know what you did? A. I walked through the lines of tables, going through.

Q. How near were you to any body? A. As near as anybody could go and keep in the centre of the aisle.

Q. Three or four feet from the body of the child? A. I should not think it was more than three or four feet.

Q. Did you examine them carefully? A. No; I don't know what you call a careful examination. Not being a medical student, I simply looked at them and saw their distorted figures and shape. I saw the children. One thing I noticed particularly—a good-formed woman; her hair was cut short and close. That attracted my attention.

Q. That is, you have given us a general idea of the examination you made, have you? You didn't examine any more carefully than what you have already stated? A. I didn't take hold of the bodies and look at them, and all that. I stayed in the room perhaps twenty minutes.

Q. Can you tell about the date of your first visit? A. No, sir; I cannot.

Q. Or about the date of your second visit? A. No, sir; I cannot.

Q. How near were you to the body of this child, when you say you saw one in this dead-room? A. As near as I am to the first gentleman next to you.

Q. Six or eight feet? A. Yes, sir; less than eight. The gas was lighted, and I looked into the room.

Q. How long did you look in? A. Perhaps a couple of minutes.

Q. Didn't go in? A. I did not.

Q. Didn't look in a second time? A. On that day?

Q. Did you look in a second time while that child was there?
A. I only saw the child in the dead-room on my second visit.

Mr. BROWN. That is all.

TESTIMONY OF JOHN B. BURNS (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Burns, have you ever been an officer at Tewksbury?
A. Yes, sir.

Q. When did you first go there? A. I went in 1866.

Q. A little louder. A. In 1866.

Q. What time in 1866? A. In the winter.

Q. What were you employed in doing there? A. I was an attendant in the insane asylum.

Q. How long did you stay? A. I stayed until the next April.

Q. Did you leave then, or were you dismissed? A. I left.

Q. When did you return? A. I returned in the following September, I believe; September or October.

Q. And stayed there through the winter and left in the spring? A. Yes, sir.

Q. How long did you keep up the practice of going there in the winter and leaving in the spring? A. I was an attendant in the insane asylum from 1866 every winter up to 1872.

Q. Did you stay there, then, after 1872? A. Yes; I stayed there until about three weeks ago.

Q. In what capacity? A. I had charge of what they called the old men's ward.

Q. Did you resign then? A. Yes, sir.

Q. On what account? A. I was sick and was not able to do the work that was required of me.

Q. Were you summoned by the defence here as a witness, and was a subpoena served on you? A. Yes, sir.

Q. After the subpoena was served on you, did any one call on you about it—about your being a witness? A. No, sir.

Q. Did you see anybody? A. After I was summoned?

Q. Summoned ; yes, sir. A. Nobody called on me.

Q. Did you have any conversation with Thomas J. Marsh, Jr.? A. Yes, sir ; I believe I did.

Q. Did he say anything to you about whether you were coming down?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. What is the judgment that is wanted now?

Mr. BROWN. I don't see what this answers.

Gov. BUTLER. I have not got to it yet.

Mr. BROWN. You are going back to a conversation. I don't think it makes any difference.

Gov. BUTLER. What I expect to get from this witness is this : I am to prove that he was subpoenaed for the defence, and Mr. Marsh came to him and asked him if he was going down as a witness. He said, Yes. Marsh asked him what he would say, and he told him : " You know what I shall say ; I shall tell the truth," or words to that effect. " Then," said Marsh, " we don't want you to come. I will make it all right with Brown." The witness said, " What will I do with the subpoena?" and he said, " Tear it up ;" and he did, and didn't come. Now I think it is competent, in the preparation of the witness, to show that I have got a witness, one of the people there, and whom the defence had confidence in. Then I will ask him what he knows.

Mr. BROWN. In other words it is competent in rebuttal to answer testimony that has never been offered in defence. Now, this is all new matter. I never heard of it before.

The CHAIRMAN. I suppose it is competent to show —

Mr. BROWN. I do recollect something about a witness, John Burns ; and I recollect certain reasons why he was not summoned, or at least why he was not called. And I recollect, also, that I made a statement to the committee that I would not call people of a certain description. When I found out what I had got I didn't call him. I don't know what Mr. Marsh said, and I don't think it has got anything to do with this case. Mr. Marsh hasn't been my witness. It don't seem to be in rebuttal of anything.

Gov. BUTLER. I agree it is not, sir. It don't rebut anything.

The CHAIRMAN. You put it on the ground that it is an attempt by somebody who is a respondent, to tamper with a witness?

Gov. BUTLER. A little bit of that, I should say ; slightly so ; just a “ leetle ” bit.

The CHAIRMAN. I suppose it is competent on that ground.

Gov. BUTLER. Yes, sir ; I should so suppose.

Q. Well, sir, what did Tom say to you?

Mr. BROWN. Well, wait a moment.

Mr. MURPHY. I will agree with the chair this time.

The CHAIRMAN. Is the committee ready for the question? The question is whether he had any conversation with Thomas J. Marsh, Jr., as to coming down here as a witness. I understood two to vote in the affirmative ; the chair votes in the affirmative and the testimony is admitted.

Q. Very well. Now, what did Mr. Marsh say to you? A. Well, I went to Mr. Marsh and told him that I had a summons, and asked him if he knew it. He said he did. “ Well,” said I, “ I don’t want to go up there, and you ought to know it.” Said he, “ Why?” I told him he ought to know just as well as myself. “ Well,” said I, “ there is one thing about it, if I go up there I shall not make an ass of myself, the same as Joe Howard and some of the rest of them did. If I am asked a question I shall tell the truth, just as near as I can tell it.” Said he, “ If that is the way you talk we don’t want you.” That was all of it ; only I asked what I should do with the summons, and said he, “ Tear it up.”

Q. And you did, I suppose? A. I did ; yes, sir.

Q. Very well. Now, did you have an opportunity, while you were so in the service of the Marshes, and of the institution—did you do house-cleaning in the Marsh house, where they lived? A. Yes, sir.

Q. Most of the time? A. During about ten years.

Q. You did work for the family, I suppose? A. No, sir ; it was only twice a year, during house-cleaning time ; I attended to it.

Q. While you were there did you tie up and strap packages and trunks which were taken away by the Marsh family, some of them?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. Well, I pray their judgment also. Haven’t we had swearing here, enough to fill the place where some kind of people go to, that there was no trunk, no package, nothing? The old man swore here that nothing ever went. I don’t lay it to him so much. And the witnesses come here and swear that they

should have seen it, and that it could not and did not go. And when my witness came the other day, they undertook to impeach his character by setting up a quarrel with him. Now, I am going to show that that is not true, if I can be permitted to. I have now got a man who is willing to tell the truth; who was there; who lived there. A rare bird in this investigation; but I have got him, and I want him to fly. And I am going through—for we had better have it settled once for all—I am going through most of these things where the Marsh family and others have been put upon the stand to swear the thing was not so. For instance, all of them come here and said they never heard of an instance of cruelty. I can prove half a dozen by this witness and others, if I am permitted; if not, why then, what is the use of having rebuttal. Call on the family to swear their case through and then say you cannot show that they lie! Is that to be tolerated in a Christian land? Not a moment. Almost everything I can with this and other witnesses contradict, and I propose to, if I am permitted. If the committee rule I can't, why then, there is the end of my rebuttal.

MR. BROWN. The committee will excuse me if I object frequently. I offered a certain book here, or at least was about to offer a certain book the other day, and His Excellency said he didn't care what was in it, he would show it was a lie. And, therefore, knowing the facility with which he could produce testimony here I am a little careful, and want to guard as well as I can what is done.

GOV. BUTLER. I have taken your witness.

MR. BROWN. It don't make any difference whether you have taken my witness or not. The man never saw me before; at least, I never had any conversation with him, and never knew what he would testify to. Now, if this committee choose to allow His Excellency to introduce witnesses here which are nothing in the world but to supplement his original case—He asks this witness in regard to trunks which were packed up and sent somewhere—to Exeter.

GOV. BUTLER. Went everywhere.

MR. BROWN. Went everywhere.

GOV. BUTLER. Pretty nearly.

MR. BROWN. In the first place, I happen to know that His Excellency has exhausted every depot file he could find for baggage. The gentleman sits here who stayed until two o'clock at night in Exeter to see if he could not find

something that would show that the Atwoods and the Davises had packages sent from Tewksbury to Exeter; and we haven't heard anything yet.

Gov. BUTLER. We haven't got to that yet.

Mr. BROWN. They sent up to Exeter and they didn't even take the testimony of the depot master upon the subject. Now, if witnesses can come in: for instance, if this witness can be allowed to testify that he packed boxes, why wasn't he produced here originally?

Gov. BUTLER. I didn't know of him, sir.

Mr. BROWN. Well, you ought to have known him. You have had the name of every officer, and of the inmates of the institution, and twelve policemen at the other end, if I recollect the number distinctly. Now, there is only one witness, one or two witnesses produced by His Excellency who have testified in regard to things being sent to Exeter. We haven't undertaken to reply to anything except the testimony which has been offered, except generally, the old gentleman, Mr. Marsh and others have testified that they never have taken any property of the Commonwealth, and carried it to Exeter. Now, I submit that if this line of inquiry is going to be gone into, this committee must divide this time between now and Friday and give me a chance to reply to it. Because, it is entirely new — entirely new. This man does not know anything about the boxes that Dudley said went to Exeter, which we have denied and explained.

Gov. BUTLER. How do you know he don't?

Mr. BROWN. Well, you don't thus far show that he does.

Gov. BUTLER. I haven't shown anything; I can't.

Mr. BROWN. Now, if you will show that some fact which our witness has testified to is wrong, or that that testimony of Dudley is not the fact, I concede it is rebuttal. But to ask him, generally in regard to other instances that we have never heard of before — and there is no pretence that it has ever been heard of before — to ask him in regard to other instances, is simply doing what, or at least putting in what His Excellency ought to have done in the first instance.

Gov. BUTLER. It is said to me that I should summon somebody from Tewksbury. I thought I might get some evidence that was true in the neighborhood of the asylum, and therefore I brought that sweet woman, Miss Manning, here; and that satisfied me not to try the experiment any more. The woman

that knew about little ones, but didn't know what the little ones were; the woman that knew about transportation, but didn't know what was transported. There is not a man of you that believed a word she said; and I knew I could no more get any testimony out of Tewksbury, with the Marshes holding their grip, than I could extract blood out of a turnip,—not a bit more. That is the reason I didn't call any that were in Tewksbury. But now, then, here is a man whom I have heard of who had resigned, and I sent and had him questioned, and I am now before the investigating committee of the legislature to give them evidence of what has been done there; to meet the swearing of all the girls, who were called matrons, who were brought here, that none went, nothing went away from there. Men came swearing that they knew they didn't go, and men came swearing that they could not have gone, and reasons why they could not have gone. Now, if Mr. Brown had contented himself with simply asking the question, undertaking to contradict the Dudley trunks, why, then, perhaps I might have done that: but hardly then, I think, in an investigation. By strict rule of law I might have been cut off. But he didn't content himself with that. He covered the whole ground by old Mr. Marsh from 1858 down to to-day — down to the day he was on the stand — that nothing went; not a thing except two barrels of apples. Don't you remember that?

Now, I want to show that it was a very frequent occurrence that this man was called to strap down trunks that were taken to Exeter and elsewhere by the various members of the Marsh family, except sometimes, I suppose, when they didn't go. I have only a memorandum of what his testimony will be. And we contradict Mr. Marsh. But I want to be fair to the old man, even as I was when he was on the stand, and I think it was done largely without his knowledge. Because, while I have no cause to love him, I mean to be fair with him. On the contrary, I propose to show, if you will let me, that it was expressly, — that he was told by Thomas J. and by Charles not to let the old man know about these things. We are bound to get at what was done in this institution. If the committee say they don't want to know, why then we will go home this warm afternoon and attend to some duties which will be pleasanter. But it is in exact contradiction. We were told that we were to have the Marshes, the whole boodle. We haven't had Tom.

Mr. BROWN. I offered him, and you would not take him.

Gov. BUTLER. Pardon me. I would not take him when he kept back the truth. Then I would not take him. And where is the old lady? She knows about these trunks better than anybody else. I would be very glad to see the matron on the stand. Where is Mrs. Atwood, into whose possession we have traced these clothes, selling them in Exeter to old-clothes dealers; where is she? In perfect health and strength, but not produced here. They produced Dr. Putney to say he didn't know anything about it. I don't think he did; but his wife and the Marshes did. Where is his wife? Good heavens! Are we to be hoodwinked here? Are we supposed to be a covey of young partridges, sticking our heads under a leaf and thinking our whole bodies are out of sight? Not much, I hope. I am here to deal with this institution, if you will let me; if you say you won't, why then I will say some time or other I may get an opportunity to investigate it fully, under some circumstances. But this is to be a full investigation, if I understand; and they shall not bring men and women to swear here without my being permitted to contradict them, and show they didn't tell the truth. Now, I am going further, and I will produce some of these old clothes. I am going to show that Mrs. Marsh did take them, and had them braided up into mats; and not only that, she took them all away when she went away the other day. I open thus fully in order that I may not be kept all the time, having all my time taken up by these continual objections. If the committee, by their solemn vote, will vote that this line of investigation and of contradiction is not to be gone into, then all I have to say is, I have no more testimony, because none is ruled competent; for if this isn't competent, there isn't any.

Mr. BROWN. In view of His Excellency's statement, that he proposes to go into all this new matter —

Gov. BUTLER. All old. I cannot contradict new matter.

Mr. BROWN. I beg pardon. He found fault because I replied to something more than the evidence of Dudley. Well, I did it for this reason. I will submit to any lawyer or any judge in this Commonwealth, whether there is one scintilla of evidence in the record upon which any member of the Marsh family could be charged with a cent's worth of the Commonwealth's property. The evidence of Dudley, which was the strongest of any, was not sufficient to charge anybody with that property. Because any fair-minded man, looking at the evidence of Dudley on the face of it, would have seen that that box had to go through a

partition without a hole, and therefore his story was untrue. Now, I told the committee that I was willing to turn this institution inside out.

Gov. BUTLER. Yes.

Mr. BROWN. And every time I put on a witness, in order to give His Excellency the most complete and ample opportunity for cross-examination, I asked the witness, as, for instance, the old gentleman Marsh, — I asked him if he ever knew or ever had anything to do with, whether there was ever any property of the Commonwealth converted and sent to Exeter, and he said no. Now, take the matter of the dresses. He says there were dresses sent to Exeter. Well, I don't think you can read the testimony of Mrs. Dolloff and come to the conclusion that the Atwood family or the Davis family had more dresses than are usual in a family of that description—chiefly ladies: and there is not one syllable of testimony that any of these dresses came from the institution. And I say any fair-minded man cannot look at that testimony and say that there is evidence enough to charge any single person with having a cent's worth of inmates' clothing—for it is confined to that. Now, they admit that they didn't succeed in the first instance, and they want you to let them try again, under circumstances where they know I cannot reply.

Gov. BUTLER. So far as I am concerned you may reply.

Mr. BROWN. I repeat the language of His Excellency, that if this is to be done there is no need of my staying here, because I don't care what people say if I cannot answer it. It don't make any difference what charges you make against this institution, if you are going to prevent me from answering those charges. I might just as well go home and attend to my business and the business of somebody else, and a great deal better, too. Now, I submit that upon the broad statement made by His Excellency, it is the duty of this committee now to say, or to say as often as the question shall be raised, that new matter shall not be gone into. Why, this hearing is to be closed in two days after to-day—three days after to-day. It is to be closed by Friday night. And His Excellency, from what I hear, has got some twenty or thirty witnesses of the same general tenor as this—all new matter; confessed to be new matter, because he says if he cannot get this in he might as well stop.

Gov. BUTLER. I have not said any such thing.

Mr. BROWN. Well, His Excellency made a statement that if

this testimony — testimony of this character — would not be received by the committee, he might as well stop.

Gov. BUTLER. Certainly ; because I cannot contradict anybody.

Mr. BROWN. Cannot contradict anybody ! There is no objection to His Excellency's contradicting the testimony that is in rebuttal. But he says it is new. He has repeated that it is new ; and everything we have had so far, I think, is new. It contradicts somebody, true ; but it is not in rebuttal.

Gov. BUTLER. All I can say is what I have said before ; that all rebuttal is contradiction, and all contradiction is rebuttal ; both ways, and must be so. The difference between new matter is this : I cannot go into any line of investigation I haven't gone into before, because contradiction must be upon that line. I cannot go into any line of matter, any line of charge that the defence has not offered evidence upon ; whether for better or for worse, that is of no consequence. Whether, when we read Mrs. Dolloff's deposition, we will believe her, is another question. The fact that somebody has sworn to something in this investigation by no means proves that it is true. We are to take the thing offered ; and the thing offered is to show that their witnesses, when they said there were no trunks or boxes taken by the family away from the state almshouse. — that that is not true. When they say there was no use made, for the benefit of the Marsh family, of the dresses, that is not true. When they say there were not any acts of cruelty, that is not true. When they say that the state property has all been accounted for, that is not true. When they say that French Joe didn't sell the property belonging to the institution, that is not true. And so I might go on, in all the matters, by just showing the fact. And it must be competent, if there is anything competent on earth.

The CHAIRMAN. I will put it to vote.

[The testimony was rejected ; three in favor of admission and three against.]

Gov. BUTLER. I will try again.

Q. State whether or not you have strapped a large number, as many as one hundred trunks and boxes in the apartments of the family, to go away ?

Mr. BROWN. I object to the question.

The CHAIRMAN. We will vote upon it.

Mr. BROWN. In the first place, that all might be done and no wrong done. There is no pretence that it is in rebuttal. It

is entirely new matter. We do not know whether it refers to the property of the Commonwealth or to private property.

Gov. BUTLER. I ask one question at a time.

Mr. BROWN. Yes; you want to get an answer so broad that it will cover everything.

Gov. BUTLER. In the first place I want to show that they were strapped in the apartments of the family, where they could not make a mistake, where they must have known it.

Mr. BROWN. Then why isn't it the same question?

Gov. BUTLER. Ah! because that was a general strapping, on the outside.

Mr. BROWN. I beg your pardon; you limited that to within the knowledge of the Marshes.

Gov. BUTLER. Oh, no; I didn't limit it to the knowledge of the Marshes, because I didn't put that into the question.

The CHAIRMAN. The committee will settle it.

[The question was rejected, three to four.]

Gov. BUTLER. Well, sir, all right.

Mr. MELLEN. I move, Mr. Chairman, that the committee adjourn. They are filibustering downstairs. It seems to me we are fooling away our time here. The thing is cut and dried in advance.

Gov. BUTLER. Oh, we will get through.

Adjourned to meet Wednesday, July 11, at 9.30 A.M.

SIXTIETH HEARING.

WEDNESDAY, July 11.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

Gov. BUTLER. I will ask leave of the committee, through the courtesy of Mr. Brown also, to allow me to break into the order of putting in testimony. I have one or two physicians here who ought to be somewhere else.

The CHAIRMAN. Exactly.

TESTIMONY OF JAMES F. BARCOCK (*sworn*).

Direct examination by Gov. Butler.

Q. You are a chemist, I believe? A. I am, sir.

Q. And State assayer? A. Yes, sir.

Q. Can ink be taken out by some chemical acids so as to leave no trace except to a very practised eye? A. It can.

Q. When it is so done can it by chemical reagents be brought back again and show the figure taken out? A. That is a matter of experiment. Sometimes it can be.

Q. Sometimes it can be. I have asked you to try on three cases in this inmates' cash-book. Will you turn to the one where you brought out the "one" where it had been erased in 15? [Witness turned to the book and handed it to the governor.] That one? A. Yes, sir.

Q. Was there anything to be seen there except to a practised eye? A. There was a stain there which would indicate to one looking for an erasure or alterations some previous writing.

Q. By putting on chemical reagents where it is taken out by acids and bringing it back again you produced that result, did you? A. I did.

[Gov. Butler showed the place on the page to Mr. Brown and to the committee.]

Mr. BROWN. Perhaps you had better give the reporter the name and number.

Gov. BUTLER. It is number 33,091, Mary Locke. That appeared to be only 5, and the 1 was brought out by the reagent.

Mr. CHAMBERLAIN. This is one of the numbers that Mr. Fairbanks spoke of as if it looked as if there had been an erasure.

Gov. BUTLER. Yes, sir. The way of it is this: It is taken out by the acid, and then by putting on reagents, which takes out that acid, then it is brought back to "1."

The CHAIRMAN. It stood before without a "1"?

Gov. BUTLER. Without a "1."

Mr. GILMORE. It is an erasure by acid?

Gov. BUTLER. Yes, sir; it is an erasure by acid; no scratching. The "1" you see has been brought back by acid.

Q. (By Gov. BUTLER.) If, Doctor, it has been erased by scratching you cannot do that? A. No, sir; that is, if all the ink has been removed there is nothing to operate upon.

Q. That is, if the ink is removed by the blade of a scratcher. Now, I asked you to try on another place? A. Yes, sir: No. 37,792, Margaret Welch, has had a 2, as it was originally, removed by some chemical preparation and a 3 written over it.

Q. And by using the reagent the 2 is brought out? A. Yes, sir.

Q. It requires some knowledge of chemical properties, I suppose, to do that? A. No; not much.

Q. Not much, but some? A. Yes, sir.

Q. You must know what acid to use to bring it back? A. Yes, sir.

Q. Otherwise you would make a bad job of it? Now, we will try the case of Ellen Allen, who was supposed to go there from Gloucester — 1st page — without any money. Won't you tell me what happened there, because there is an erasure? What did you find there? A. I applied the same agents in this case as in the others, and I succeeded in bringing out quite satisfactorily to my eye the lower part of a 6, so that the figure I read distinctly a 6. It was shown also to another person in the office. I was unable to bring out any figure to the left of it, but I observed that there had been an erasure by scratching. Then, in endeavoring to remove the yellow stain put upon the paper by the materials I used, I obliterated a portion of the

“1,” and a portion of the 6 also. That is to say, it does not now look so plain as it did originally.

Q. That is to say, that was both by acid and by scratching?

A. Yes, sir. There is an erasure at the left of what was a 1, and the 1 was originally a 6, but it does not now show very well.

Q. Then there was an erasure on the left of the 1, which read before you began, one dollar? A. Yes, sir.

Q. Then the acid brought out a 6 in place of the 1, and it shows that some figure had been erased in front of — A. It showed that there had been an erasure before the one. Whether or not it was a figure I don't know.

Q. It was a figure. The dollar marks were found nowhere else in that book? A. Something had been erased.

Q. And by that acid? A. Yes, sir.

Q. Those are the only three places you have tried? A. They are.

Gov. BUTLER. Three is as good as a thousand. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. Now, take this case of Ellen Allen; did you examine the book with a microscope before you touched any acid to it? A. Yes, sir.

Q. Of what power? A. Three or four diameters; I don't know how much.

Q. What could you see with a microscope, if anything? A. I think there were two little grooves apparently on the erasure at the left of the “1.” Other than that I don't know that I observed anything in particular.

Q. Did you look at the paper on the backside with a microscope? A. I do not recollect that I did.

Q. Have you the same microscope here, now, which you used in looking at this? A. It is not a microscope; it is a hand-magnifier.

Q. And is that the same one you used? A. Yes, sir.

Q. And that, you say, is how many diameters? A. I don't know; I can measure it — one or two, or three.

Q. What was the acid that you applied?

Gov. BUTLER. The acid takes the ink out. The restorer is not always acid,

Q. (By Mr. Brown.) What did you apply? A. I used the tincture of nutgalls diluted.

Q. How do you describe the dilution? A. It would be about one part of an ordinary tincture as sold by druggists, and diluted with two parts of water.

Q. Now here is another yellow spot—the yellow stain now seen—was that made by your chemical preparation? A. It was.

Q. Before that nutgall preparation was put on there, there was no yellow stain? A. There was not.

Q. After the nutgalls were put on did you use an eraser? A. I did not.

Q. Did you use anything for the purpose of taking off the stain? A. I attempted to use a little diluted hydrochloratic acid for the purpose of removing the yellow, which is the natural color of the nutgalls.

Q. And that natural color is seen on the sheet here? A. Yes, sir; and it is seen in the other two cases.

Q. How did you apply that preparation? A. It was applied by putting it upon a piece of blotting-paper, and I pressed upon it with my hand in some places.

Q. How do you account for the fact that in some places the stain of nutgall is entirely removed, and in others it doesn't seem to be touched at all? A. On the other places there is a place where I applied some chloride of soda for the removal of the nutgalls. That appears to have bleached it better.

Q. Did you do anything with that paper to take out the little lines you refer to on the left? A. No, sir.

Q. Then, if there were any there ever, they are there now the same as before? A. That wouldn't follow.

Q. Why wouldn't it follow? A. Because, by softening up the paper, by the wetting of it, and the subsequent drying, the fibre might gather itself together, and it wouldn't show as well as it would before. Perhaps I ought to say that I wasn't able to interpret anything from the two lines. I saw the two grooves there, and I don't know what they mean.

Q. (By Gov. Butler.) Not on the other you put on the nutgalls? A. They don't show anything. I don't know what it was.

Q. (By Mr. Brown.) Now, supposing the erasure had been made by the common scratching instrument and some of this powder, and the ink hadn't been removed; that some of this

pounce had been put on and rubbed down with an instrument, as is customary, wouldn't your preparation of nutgalls have taken off the pounce and brought out the ink where it didn't show before? A. Not unless some of the original ink remained on the fibre.

Q. Very true. But if it still remained on the paper, the nutgall would tend to remove the pounce and penetrate through the ink? A. I think it wouldn't tend to remove it, but it probably would soak underneath it.

Q. Well, if it didn't soak underneath it, it would bring out the ink, would it? A. No, sir.

Q. Then it would be necessary for the nutgalls to saturate through the ink to touch it? A. It would be necessary for the nutgalls to touch the remains of the old ink, else there is no color.

Q. Then it would be perfectly possible to so encase a figure in ink with pounce that it could not be seen very distinctly, and then bring it out with the nutgalls, even if there had not been an erasure, wouldn't it?

Gov. BUTLER. I don't understand your question. You encrust first by making an erasure, and then bring it out distinctly without making an erasure?

Mr. BROWN. Let us see if the witness understands it.

The WITNESS. I will answer it as I understand it. I think it would be possible to cover ink with pounce so thoroughly that nutgalls wouldn't bring it out — if that is the question. I think it would be possible.

Q. (By Mr. Brown.) And even where there hadn't been an erasure? A. I don't think you could put pounce enough over writing ordinarily so as to cover the black completely so you could not see it. Pounce hasn't much color. It is rather a gloss which stiffens and smooths down the paper so that the ink will not blot when written. It doesn't overcome the black.

Q. Now, when the nutgalls was applied to that surface and the line brought out which wasn't perceptible to the eye before, do you argue from that that the original figure must have been erased with acid necessarily? Might it not have been covered or submerged with pounce? A. I haven't undertaken to argue it at all. I state some facts.

Q. Would it be a demonstration like other conclusions of chemistry? A. Not from that fact alone. Perhaps I ought to say in the case of the 15 I have a well-defined opinion about

it. In the case of the 6 on the first page I cannot tell how that 6 was erased. I should not like to say.

Q. That is, you don't want to say that there was any acid ever touched it? A. I shouldn't want to say that. I shouldn't want to say to the contrary. I don't know. There was something there which I restored.

Q. Take the case of Ellen Allen.

Gov. BUTLER. That is the one he is talking about.

Mr. BROWN. I beg pardon. This is the case we are talking about.

Q. This case you haven't any opinion about? A. I simply say I don't know how it was erased.

Q. (By Gov. BUTLER.) You simply reproduced it? A. I simply reproduced the 6 on the left of the 1.

Q. (By Mr. BROWN). Now, where is the next case? A. That one. [Handing him the book.]

Q. (By Gov. BUTLER.) That is the 15? A. Yes, sir.

Q. (By Mr. BROWN.) That is the case of the 15. Now, did you use the same preparation of nutgalls there? A. Yes, sir; it may have been a little weaker, possibly.

Q. Well, was it out of the same portion, the same preparation, made at the same time? A. It was; the original solution was the same, out of the same vial, but was diluted by wetting the blotting-paper and putting the brushful upon the blotting-paper.

Q. Now, sir, why didn't you take the same dilution of nutgalls for each case? A. There was no reason for that, except I applied it several times to the Ellen Allen erasure, the same preparation, because I failed to bring out any figure over where I thought there had been an erasure and might still be one. This one came out very easily — the 15.

Q. Now, sir, are you prepared to say that if you had used the same dilution of nutgalls in each case you wouldn't have come to the same conclusion in each case? A. Well, I know I tried the first page with the same dilution which I used here and didn't get any immediate result. I should say this was the one I tried first. I tried the 15. The next one was 2, and I went to the next page and experimented.

Q. Now, turn to the third case. [Witness showed it on the book.] Did you have the same preparation of nutgalls, the same dilution there? A. Practically; yes, sir. I will state exactly what I did. I took two or three brushfuls—small camel's

hair pencil dipped in water — two or three brushfuls of water and placed it on a little bit of blotting-paper. Then I took one brushful of the tincture of nutgalls and dropped that on the blotting-paper, mixing it with this water, and then it laid upon the paper for a moment. That was done substantially in all cases at first.

Q. Now, when you, in the case of Margaret Welch, by placing the preparation of nutgalls, brought out the figure 2 — and there is no trace of any other figure except the figure 2? A. There is not.

Q. You are perfectly certain about that? A. I didn't see any.

Q. You cannot find any? A. I haven't seen any.

Q. And there is nothing within your knowledge as a chemist which would enable you to say that there is anything else there, or had been there, except the figure 2? A. I could not tell as to that absolutely. All I see is the 2 which has been restored, the 3 having been written over it. I didn't see any evidence of anything else.

Q. No, no; you didn't see any evidence of anything else. Then, whoever did that, according to your theory, erased the figure 2 and put down the figure 3? A. The figure 2 was written there originally and that had been removed.

Q. And the figure 3 put down? A. Yes, sir.

Q. And that figure 3 had been removed by some chemical means? A. Yes, sir.

Q. In other words, the 2 dollars had been changed to 3 dollars? A. Yes, sir.

Q. And from that you infer that Margaret Welch was a sufferer in some way? A. I don't know anything about Margaret Welch, and don't care. I don't infer.

Q. And you don't care? A. No, sir.

Q. Now, sir, won't you read to me those entries in pencil on that same book? A. [Taking the book.] 50, 25, 75, 50, 25.

Q. That is 2.25, ain't it? A. Yes, sir.

Q. Supposing this to mean cents? A. Yes, sir.

Q. So that the memorandum there in pencil shows more money than the original entry, which you think has been erased? A. The facts are as I state.

Q. Assuming that that means cents: 25, 50, etc., mean cents? A. Those figures added up make 2.25.

Gov. BUTLER. And that wouldn't account for the difference in any way.

Mr. BROWN. I don't know whether it would or not.

Gov. BUTLER. You can neither subtract or add the \$3.25 to \$2 and make the 3 correct.

Mr. BROWN. What is that?

Gov. BUTLER. You cannot subtract or add \$3.25 to \$2 and have the result put down as \$3.

Mr. BROWN. I don't know where you get your 3.25. We haven't heard anything of it yet.

Gov. BUTLER. Well, 2.25. Well, add 2.25 to \$3 and you cannot get that.

Mr. BROWN. Charles Marsh has shown that there was received \$3.25 and he paid out \$2.25, while if you hold him by the original entry you never had but \$2.25 of that woman's money.

Gov. BUTLER. And had three left. He marked the three.

Mr. BROWN. He doesn't say he had three.

Gov. BUTLER. He drew three lines across the 3. He says those were the sums which he paid.

Mr. BROWN. I beg pardon. He said he drew lines there when he paid the party all the money.

Gov. BUTLER. Yes.

Mr. BROWN. If this record is correct he could not have paid but 75 cents.

Gov. BUTLER. Well, all right.

Q. (By Mr. BROWN.) Now, let me see, Prof. Babcock, I want you to state what the evidence is that there was any acid applied to that figure 2? A. The evidence to my mind was the appearance of a slight yellow stain under the figure 3. I could not make out what the figure was.

Q. Under the figure 3, a slight yellow stain? A. Yes, sir.

Q. Now —

Gov. BUTLER. Let him finish his answer.

The WITNESS. It was the same color and general appearance which I should expect to be produced by the action of oxalic or tartaric acid, or such acids as are usually used for erasures upon an iron ink, and then the fact that preparation restored the ink, making it somewhat blacker, would of itself indicate that some acid had been used, or else that the ink was very old. Ink which is bleached by age, 40 or 50 years of age, may be restored in somewhat the same manner.

Q. Yes ; so that you inferred from what you did, that the acid may have been applied to that, or that the ink was very old — either one of which would have accounted for the appearance?

A. Yes, sir. That is, I know nothing absolutely of the age of these books. I speak of this as a general inference.

Q. Now, could you tell from the appearance of the stain whether the ink had been applied since the 30th of March, or whether it had been applied before that? A. I could not.

Gov. BUTLER. What do you mean — whether the ink had been applied?

Mr. BROWN. Whether the acid had been applied before the 30th of March or not? A. I could not.

Q. Was the stain uniform throughout the entire length of the figure 2? A. I think so, except so far as it was covered by the other figure where it was obscured.

Q. Now was the red ink applied before the figure 3 was made? I don't care to have you tell from the naked eye, but from your examination originally? A. I should not want to say it was applied before the examination was made.

Q. Can you tell in any case where the red ink and black ink come in contact, where the red line and black line come in contact, can you tell which was applied first? A. No, sir ; it would be very unsafe.

Q. Very unsafe in any case? A. Yes, sir. What I mean is this — or I can explain it : If you take that black inkstand and undertake to rule a red line on it, you don't see the red. The red is a transparent color, and it only shows because the white of the page shows over it. Now, if you did that, it would appear that the black in there was put on afterwards, when it cannot be so. As a matter of fact, you cannot tell to a certainty what time red ink or black ink has been ruled across black, unless it is wet when it is ruled.

Q. You say that as a chemist? A. I say that as the result of some experience in examining writing. It is my individual opinion, merely.

Q. And there is no way that you know of to determine the length of time in which acid used for removing ink marks has been applied? A. There is no way.

Q. Now, Prof. Babcock, is that signature of Margaret, Welch in iron ink? A. That I hadn't examined. I can do so and ascertain the fact. In my judgment it is.

Q. Have you your preparation here with you? A. No, I have not; but I will have that here in an hour.

Q. What effect would the dilution of nutgalls, that you speak of, have upon a pencil mark? A. It would have no effect upon a pencil mark that I know of. Perhaps I ought to qualify that a little. It may be that some sorts of lead contain a trace of iron, and, if so, it might assist in bringing that out; but as a general thing I should say that nutgalls would have no material action upon lead in bringing it out.

Q. Not if there was a dilution of nutgalls applied to remove the pounce, supposing the pounce had been applied in such a way as to bring out the pencil marks more clearly? A. I cannot say that that might not be, but I don't think that if any of those marks had been pencil marks they would have been brought out by the nutgalls.

Q. Why not? A. From the looks of them and appearance, from the color of the ink itself; the color produced. The color there is due to the action of the iron in the nutgalls.

MR. BROWN. Mr. Ransom, will you get me the register of 37,792?

GOV. BUTLER. I can tell you what is on it.

MR. BROWN. I want to see the register.

[A messenger went for the register.]

GOV. BUTLER. Margaret Welch; she wasn't settled with at all. She left. The other one died, and she wasn't settled with at all—the 15 one. The other one, Ellen Allen, she died and wasn't settled with at all, and the State wasn't there to see that she was settled with.

Q. (By MR. BROWN.) Now, take the "1" of the 15. Can you tell me whether that 1 was made before the red ink line was drawn through there or since? A. Oh, I think the "1" was made originally before the red line was drawn through it.

Q. But I understood you could not tell? A. Well, that is rather a matter of inference from the known action of acid on the red and on the iron. It is not by any inspection.

MR. BROWN. That is all.

Q. (By GOV. BUTLER.) The best of all black inks are made of gallate of iron? A. All common inks years ago were; but not now.

Q. (By MR. BROWN.) What have they now? A. They have an aniline color; some logwood basis.

Q. (By GOV. BUTLER.) But all the original inks made by

Noyes and others, are made of what is called gallate of iron?

A. Yes, sir.

Q. That is a preparation of gallic acid and iron? A. Yes, sir.

Q. Then when you put on tartaric acid or oxalic acid it changes the gallate of iron into oxalic? A. Yes, sir; that is colorless.

Q. Then, when you restore the gallic acid, that makes the ink again, or as we commonly say, brings out the figure? A. Yes, sir; that is substantially the philosophy of it.

Gov. BUTLER. Now, we will figure up this.

TESTIMONY OF FRANCIS B. RECORDS (*recalled*).

Direct examination by Gov. Butler.

Q. You heard the testimony of Charles Marsh as to what these figures 7, 7, 14, 14, 14 were for plugs of tobacco, didn't you? A. Yes, sir.

Mr. BROWN. I beg pardon; there was no such testimony as that.

The CHAIRMAN. It was for small matters like plugs of tobacco.

Gov. BUTLER. I asked him about that and he said it was for plugs of tobacco.

Mr. BROWN. I beg pardon; you cannot find it upon the record.

Gov. BUTLER. Here it is, 7 upon this page, right on, 7, 7, 7, 7, 7, 7, and 14, 14, 14, and 7, 7, and 14, — 161, it is then added up, I think. 14, 14, 14, — and it was explained that that was for small matters like a plug of tobacco, — it may have been about the same size.

Q. Now, sir, have you examined to see how many of these, how many of those inmates had those amounts charged to them?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. What is the judgment you want?

Mr. BROWN. Whether it is competent to go into that. The book is there and it speaks for itself.

Gov. BUTLER. I beg pardon; I have examined it. It is in direct contradiction of Charles Marsh.

Mr. BROWN. He don't state what the number was. He made no calculation as to what the numbers 14 and 7 were. He has never been asked that question.

Gov. BUTLER. He has put forward those figures as a statement of the accounts. If allowed to do so I shall show it is not correct.

Mr. BROWN. If it is tried to show it didn't go for tobacco or such things, that may be correct.

Gov. BUTLER. I am going to show it. I propose to contradict Charles Marsh.

The CHAIRMAN. What is the specific question?

Gov. BUTLER. The specific question is whether you have examined the number of people who have had these 7, 7, 7, 7 credited and charged to them on this cash-book, and to tell me now how many are males and how many are females, because the females chew an immense quantity of tobacco up there.

The CHAIRMAN. There is now and then one that does. I think it is competent, Mr. Brown.

Mr. BROWN. I won't press it any further.

Q. (By Gov. BUTLER.) Tell me, in the first place, of the amount of entries, 7, 7, and 14 — what is the whole number of them? A. The whole number, of either 1 or more than 1, or 7 or 14 or 21, — there are 106 individuals.

Q. How many of them are women? A. 44.

Q. So that if these charges to inmates were for tobacco, there must have been — 44 out of the 106 inmates that chewed tobacco must have been women?

The CHAIRMAN. The testimony, as I remember it, was for small things like plugs of tobacco.

Gov. BUTLER. I understand. [To witness.] Now, sir, you found by looking at the records — you know this Mrs. Allen died when there; so that of those two cases where there have been assistance one had absconded and the other had died, so that there was nobody to settle with.

Mr. BROWN. The book shows.

Gov. BUTLER. I understand it.

WITNESS. Emily Locke died within a few months of admission, and Margaret Welch absconded.

Q. How long after? A. A month or more.

Mr. BROWN. It isn't very reasonable that a man takes money from an absconded person.

Gov. BUTLER. Now, in the case of 15, I want to call the attention of the committee that there is no credit or charge at all.

MR. BROWN. When was that, Governor? You say no credit or charge at all?

Gov. BUTLER. As appears on the books.

Q. (By Mr. BROWN.) Have you accounted for the number of persons on that book of inmates' cash at any time? A. The whole number of persons that appear?

Q. That appear on that inmates' cash? A. No, sir.

Q. And will you do it and hand it to me, and also each of the persons on the other books? A. The provisions went to them —

Q. Everything on that inmates' cash-book? A. It is so mixed up I didn't pay any attention to it.

Q. Give us the number of persons whose names appear on the inmates' cash? A. I will, sir.

Q. (By Mr. LEARNARD.) Have you been to the Tewksbury institution? A. No, sir.

Q. Are you aware of the fact that there is a smoking-room for old ladies there? A. I am not.

Mr. LEARNARD. I wanted that to go in.

Mr. BROWN. I guess you can find 100 of them smoking there to-day.

Gov. BUTLER. Precisely so, sir.

Mr. BROWN. Unless they have lost their pipes.

TESTIMONY OF CHARLES HENRY FARNSWORTH (*sworn*).

Direct examination by Gov. Butler.

Q. How many years have you been in the practice of surgery? A. As a physician and surgeon ever since 1847.

Q. Were you called to take charge of Mr. Wade's arm, the chief of police? A. Yes, sir.

Q. Who was called in consultation with you or acted with you?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. What is your judgment now?

Mr. BROWN. What has that to do with Tewksbury?

Gov. BUTLER. You will find out.

The CHAIRMAN. The question was what?

Gov. BUTLER. Who was called in consultation with him?

The CHAIRMAN. In any particular case?

Gov. BUTLER. In Chief Wade's case.

Mr. BROWN. Who was shot by a crazy lunatic since this investigation began.

Gov. BUTLER. And he was assisted by Dr. Dixwell. I was going to call Chief Wade, who called him in.

Mr. BROWN. I will let the committee and His Excellency put it in, if the governor will let me put in Mr. Innis's, the officer who sits here, opinion of Dr. Dixwell.

The CHAIRMAN. We cannot be trading.

Gov. BUTLER. If my testimony is competent let it go in, and if not let it be ruled out.

Mr. BROWN. How does it affect his reputation?

Gov. BUTLER. It doesn't affect his reputation. He is attacked in two ways. This gentleman don't know him by reputation. Dr. Dixwell has been called by the counsel, more than twenty times, a maniac or a lunatic.

Mr. BROWN. Why don't you call his family to show that I am in error?

Gov. BUTLER. I haven't got time enough. There are gentlemen here who have known him long enough. You will be ashamed of that — no, you won't: you won't be ashamed of anything. What I mean to say is, I am going to show that he isn't a lunatic, if you will permit.

The CHAIRMAN. That is, you will show he performed a skillful surgical operation.

Gov. BUTLER. That is, he was called and did it.

The CHAIRMAN. I think it is competent. I don't know about the weight of it.

Gov. BUTLER. That is a question gentlemen will differ about.

The CHAIRMAN. If you still object, Mr. Brown, I will put it to the committee.

Mr. BROWN. No; I won't object.

Q. (By Gov. BUTLER.) Well, Doctor? A. I will state it as it was. Mr. Wade was brought home to East Cambridge, where I reside and have been his physician for several years, and he was accompanied by Dr. Dixwell and Dr. Smith, and Mr. Wade requested them to wait until I came in before there was anything done. Then, when I came in, the question was whether the bullet should be extracted. Dr. Dixwell and Dr. Smith both said —

Mr. BROWN. I pray the judgment of the committee, that we are not to have what these people said.

Q. (By Gov. BUTLER.) There was a consultation upon that subject? A. The question was whether to extract the bullet, without what was said. I decided that the bullet should be ex-

tracted, and directed Dr. Dixwell to make the incision where I supposed the bullet was to be found; and he made the incision. After making the incision he requested Dr. Smith to examine the wound, and Dr. Smith did so. He took Dr. Dixwell's place and examined the wound, and by pressing upon the outside of the arm I felt what I thought was the bullet, a little in advance of the termination of the incision, and I requested Dr. Smith to make the incision a little longer. Then Dr. Smith, by putting the finger into the wound, said he felt the bullet. I told him if that was the case to draw it out and he did so. After that two or three small arteries were secured and taken up and the wound dressed.

Q. Did you meet Dr. Dixwell with your patient at any other time? A. Dr. Dixwell was in the next morning for a few minutes.

Q. While you were there? A. I was there; yes, sir.

Q. Now, Doctor, did you see any evidence of aberration of mind in Dr. Dixwell during that time? A. No, sir.

Q. Did it ever occur to you that he wasn't as sane as anybody? A. No, sir.

Cross-examination by Mr. Brown.

Q. You say it didn't occur to you at that time. Have you known Dr. Dixwell long? A. No, sir; I saw him just at the time that wound was being attended to. Then a few minutes the next morning is all the knowledge I have of him.

Q. So you don't know whether he was called by Chief Wade, or went in himself and stuck by him until he got him to Cambridge? A. No, sir; I don't know anything about it.

Q. Are you an expert in insanity? A. No, sir.

Q. You are not? A. I attended the case in hand without thought of anything else.

Q. Well, if several gentlemen who are experts in insanity, and well established here in their profession in Boston, should say that Dr. Dixwell was of unsound mind, you wouldn't set up your little experience with him in contradiction of them? A. No, sir.

Q. And wouldn't want to? A. I would have nothing to say about it.

Q. You don't know anything about his reputation for truth and veracity? A. No, sir.

Q. Never seen or heard of him before? A. No, sir.

Q. (By the CHAIRMAN.) Where do you reside? A. At East Cambridge.

TESTIMONY OF RUFUS R. WADE (*sworn*).

Direct examination by Gov. Butler.

Q. You are the chief of police, Mr. Wade? A. Yes, sir.

Q. How long have you known Dr. Dixwell? A. I have known Dr. Dixwell some four years.

Q. How near have your places been? A. He was agent of the society for the prevention of cruelty to children, and had an office immediately under mine.

Q. That is a Chardon Street society? A. I am not quite certain.

Q. Who is at the head of it; Mr. Frothingham? A. I think he was at one time.

Q. I only wanted to identify it. Did his having to do with that class of business of taking care of children bring you in contact with him? A. He frequently consulted with me.

Q. We have heard that he had to do with your arm; has he been in attendance upon you? A. He has been twice at my house.

Q. Now, sir, during your four years' acquaintance with him, have you ever seen any signs of lunacy or insanity about him? A. No, sir.

Q. During your four years' acquaintance with him have you ever heard, until this investigation commenced, his character for truth and veracity questioned? A. Never, sir.

Gov. BUTLER. The witness is yours.

Cross-examination by Mr. Brown.

Q. You say you have been acquainted with him four years? A. I should say about four years.

Q. During that four years you have been chief of the district police? A. Yes, sir.

Q. And you became acquainted with him four years ago? A. Yes, sir.

Q. Is Mr. Innis one of your officers? A. He is, sir.

Q. Did you ever detail Mr. Innis to investigate Dr. Dixwell? A. Never, to my recollection.

Q. Did he ever investigate Dr. Dixwell since he has been on the police force? A. Not to my knowledge.

Q. Not to your knowledge. You have heard so since?
A. I think I have.

Q. And you heard he investigated him as one of the district police? A. No, sir.

Q. Well, you heard he was in the employ of the State when he investigated him, didn't you? A. Yes, sir.

Q. Now, did you call Dr. Dixwell to attend to you when you were wounded? A. I did not. I will state exactly the facts.

Q. Answer my question. A. I did not, nor no other physician.

Q. You don't know anything about how he came there except what you have heard since? A. I haven't heard since.

Q. Did you invite him to come to your house? A. I did not. If you will let me state just what are the facts—

Q. I beg pardon; wait until I get through. You never heard his character for truth and veracity called in question? A. I never did until this investigation.

Q. Did you read the article published in the Boston Post on the 2d day of July, 1881, entitled "Dixwell Exposed?"
A. I did not.

Q. And it never came to your attention? A. Not to my knowledge.

Q. Did you ever have any conversation with anybody about that article? A. I don't think I ever did.

Q. And, so far as you know, that article entitled "Dixwell Exposed," in the Boston Post, has never been retracted or answered?

Gov. BUTLER. He don't know anything about it. I object to that question.

The WITNESS. I don't know anything about it.

Gov. BUTLER. He don't know it was ever published. They might have got out a special edition.

Mr. BROWN. That is all.

TESTIMONY OF ASBURY G. SMITH (*sworn*).

Direct examination by Gov. Butler.

Q. Dr. Smith, you are now surgeon,—I want to make this as short as possible,—you are now surgeon at the McLean Asylum for the insane, are you? A. No; I occupy the position there as *interne*, simply; house officer,

Q. House officer? A. Yes, sir.

Q. You are a physician and surgeon? A. Yes, sir.

Q. How long have you been there? A. I have been there — I went there last September — a little over nine months.

Q. Where were you educated, sir? A. Harvard Medical School.

Q. As a man acquainted with insane people, I want to ask you this question: whether, in your judgment, insane people are to be treated as sick, and, as such, need the care of a physician and surgeon as much as any other class of patients? A. I think so.

Q. Would you think it well to put insane people under the care simply of uninstructed persons for a long period of time? A. Not without some supervision.

Q. Not without some supervision by a doctor, I mean? A. Yes, sir.

Q. I mean that, of course. A. There would have to be some inexperienced men about it, because they have got to get experience.

Q. To take care of them as insane patients. A. Yes, sir.

Q. Now, I desire to go to another thing. Were you ever in the employ of the board of state charities, in Mr. Wheelwright's office? A. Yes, sir.

Q. How long ago? A. About three years ago, — three or four years ago I first went there.

Q. How long did you remain in that employ? A. Some over three years.

Q. Were you at the same time in the Harvard Medical School? A. Yes, sir.

Q. Whether Dr. Wheelwright made an arrangement by which you and two of your fellow-students should get bodies from Tewksbury?

Mr. BROWN. Now, I pray the judgment of the committee.

Gov. BUTLER. I am content to have the judgment prayed. What about?

Mr. BROWN. This is entirely new matter; never a suggestion of it before.

Gov. BUTLER. Undoubtedly we have not presented it before; my turn has not come before.

The CHAIRMAN. Put the question again, Governor.

Gov. BUTLER. The question is whether Dr. Wheelwright made arrangements by which he and two others of the employees in his office might get dead bodies from Tewksbury,

and whether he got them. It don't take a witch to see where it is going. I am now trying to show that it is false when it is said that these bodies were delivered under bonds, if I can.

The CHAIRMAN. Why didn't you show that, Governor, before?

Gov. BUTLER. What?

The CHAIRMAN. Why didn't you show that when you had the case in hand?

Gov. BUTLER. Because I didn't suppose anybody would ever claim it.

The CHAIRMAN. Claim what?

Gov. BUTLER. I am now contradicting the witnesses,—Nourse and the old man, and all of these who have sworn about dead bodies. How should I know they would not tell the truth and own it, beforehand; and I supposed they would till I saw Miss Manning on the stand.

Mr. BROWN. Then you had ample notice.

Gov. BUTLER. Yes; I had ample notice they would probably all lie.

Mr. BROWN. You didn't close till nearly sixty days after that — thirty days.

Gov. BUTLER. Well, I am in the hands of the committee upon that.

The CHAIRMAN. I don't see, Governor, why it would not open the whole case to the other side.

Gov. BUTLER. It don't open the whole case at all. They have undertaken to put in their case, and all that it opens is, it opens to them to put in rebutting testimony; they can put in testimony that this gentleman lies; they can prove an alibi for him, if they want to; they can prove that he was not there at all, or prove that he don't tell the truth. It don't open the whole case; it opens this particular matter.

The CHAIRMAN. Exactly.

Gov. BUTLER. That is all, and that should be open; that is always opened by rebutting evidence. Or else there isn't any such thing as rebutting evidence, because rebutting evidence can only be put in when it is pertinent to the case put in.

The CHAIRMAN. Put in to contradict the case made out by the defence.

Gov. BUTLER. By the defence, yes; and that is what this is done for. It has been attempted to be made out by the defence that these bodies were all delivered under certain restrictions to

certain people. I am going to try to show that it is not so, if I may be permitted.

MR. BROWN. Mr. Chairman, there never has been such evidence in the defence, because there has never been any cause for it; there has never been any such charge made against this institution as that till this moment. Now, I want to say one word here, — because His Excellency has referred to it so many times, that this is an investigation, — Mr. Nourse, Mr. Marsh, junior and senior, and all the Marsh family, have been within reach of His Excellency's subpoena from the commencement of this hearing to the end. But His Excellency has been in a peculiarly fortunate position. This is an investigation; he could call anybody, and, if he was not satisfied with their evidence, he could produce other evidence to show what the fact was. It was perfectly pertinent and proper for him to have called witnesses to show that Miss Manning was not honest, as a part of his case; but he didn't do it, and Miss Manning stands to-day just as well as any other witness who has appeared before this committee, subject, only, to the criticism as to what she did and what she said, and what the committee saw. Not a syllable has been uttered against Miss Manning's character, or that her business was not properly conducted, was not accurately conducted; that the receipts which she gave for money were not true, and everything connected with her business fairly, squarely and honorably done. Now, this is the first suggestion that has been thrown out from the commencement to the present time, that a body has ever been delivered by these trustees or from this institution without a bond, — the first intimation that I ever heard. Now, that is entirely new. We have not said, there is no witness, His Excellency cannot point to a syllable of testimony where any witness in the defence has said there never was a body delivered without a bond. We have only undertaken to meet the charges which His Excellency has preferred and prosecuted against us, to wit, that we delivered bodies, under the law, to the Harvard medical college and to different medical colleges. That is all. We never heard of Dr. Wheelwright before, — except that, prior to 1873, he had the management of the delivery of the dead for anatomical purposes from this institution. That is all we ever heard.

GOV. BUTLER. Dr. Wheelwright?

MR. BROWN. Yes, sir; Dr. Wheelwright; I am surprised you have forgotten that.

MR. MELLE. I would say, Mr. Chairman, that early in the hearing the chairman brought in this matter and asked, on page 24, "At this time, at the time you were doing this, Doctor, did you know of your own knowledge whether the medical college procured the bodies properly or not?" It seems to me it has been in issue in this investigation whether these bodies were received properly or improperly, and the Tewksbury people have denied that they were delivered improperly, — so it seems to me particularly material if this witness can prove they have been delivered improperly without a bond.

MR. BROWN. I thank the gentleman for his suggestion, because it brings out more clearly to my mind, and I trust I shall be able to make it more clear to the committee, that what I previously said is correct and true. This man Dixwell —

GOV. BUTLER. This lunatic Dixwell!

MR. BROWN. This man Dixwell, the governor says lunatic: I accept the amendment, — testified to the delivery of these bodies; and then the chairman asked whether he, Dixwell, knew that they were delivered properly according to the forms of law. Well, now, on the twenty-fourth page, — I think that was the first evening of the investigation, — the bond which had been given by the Harvard Medical School hadn't been offered in evidence, didn't appear in any way, shape or manner; and Dixwell said, substantially, in substance, that he didn't know anything about it. Now, that is precisely the way the matter stands, and I can only say to the committee, as I said yesterday, — nine times, I think, the record shows that this question was raised yesterday, and seven times the committee voted to exclude this line of testimony because it was new, — now, if we are going into this question, I submit the same proposition that I submitted yesterday, and ask the committee to divide the remaining time between His Excellency and myself so I can reply to it.

MR. MELLE. Mr. Chairman, I maintain that the gentleman has not detracted anything from my suggestion. I say now, as I remarked a moment ago, that the chairman, himself, put the query, and the chairman, himself, and, I presume, every member of the committee, was anxious to know if this institution was delivering bodies improperly, contrary to law and without a bond from the people to whom they delivered them. I say it has been in issue throughout this case, and the gentlemen from Tewksbury, — they have denied doing any such illegal act.

Mr. BROWN. Won't you find that, where any witness on the part of the management has answered any such question?

Mr. MELLEN. I say it has run through the case; it is one of the issues, and it has come to a very peculiar pass if we are to be debarred from taking evidence as to the improper conduct of the officers of this institution in this respect. I say it is not new evidence, other than in rebuttal it is evidence we have not heard before, but it is pertaining to a matter that we have been interested in, and we should continue interested to the end. I say it is very proper that the question should be admitted, and that we should know whether somebody in this State House, a State official, has been conniving with the officials at Tewksbury to do an illegal and an improper act.

The CHAIRMAN. The great struggle, Governor, in issue in this case, as I take it, has been to prove that dead bodies have been illegally disposed of. That is the specific charge in the address, and the one to which the governor has addressed himself. That was the matter to be proved before this committee, that dead bodies had been disposed of illegally. When the governor closed, it was incumbent upon the defence, if they had any, to meet the case which he had made. If he saw fit not to put in his case, he ran the risk that parties always run in any court, to have it rejected when he comes to put it in in rebuttal. Of course, it is in the discretion of the committee to admit any evidence; but, if it is admitted, the other side, it seems to me, should meet it, and that, certainly, can't be done in the two days allotted for the work. But—

Mr. MELLEN. If you will permit me, Mr. Chairman.

The CHAIRMAN. The committee must settle it.

Mr. MELLEN. They have denied the doing of any such thing; now, it is for the governor to prove that they have falsified, in rebuttal. It seems to me that that is common-sense.

The CHAIRMAN. But not by putting in original matter.

Mr. MELLEN. Anything that is a denial must be, to that extent, original; it must be new to that extent. I submit this is in contradiction, it is in rebuttal, and it is eminently proper that it should be admitted.

The CHAIRMAN. The committee must settle it.

Mr. MURPHY. Will you state the question; I came in a little late.

The CHAIRMAN. The question is whether this gentleman shall be allowed to answer whether Dr. Wheelwright made an

arrangement with him to deliver bodies from the State Almshouse at Tewksbury.

Gov. BUTLER. Not made an arrangement with him. Made an arrangement at the State almshouse to have bodies delivered to him.

Mr. BROWN. To him and others.

Gov. BUTLER. To him and two other gentlemen who were with him, for their use.

[The committee voted six to three to admit the question.]

The CHAIRMAN. I vote in the negative.

Mr. BROWN. Now, I give notice that I shall ask the committee to divide the remainder of the time so I may meet this question.

Gov. BUTLER. I think we had better have a vote upon that ; because, if the committee vote that, I shall be obliged to withdraw my witness, and take some other matter which, perhaps, is more important. I think we had better have it settled now, because I can't go on without I know where I am.

The CHAIRMAN. The question is, whether time shall be given to the respondents to meet this testimony.

Mr. MELLEN. I think this is a matter —

Gov. BUTLER. I think we had better have a vote now, because I am not going to be threatened with this every hour.

Mr. MELLEN. I think this is a question for the House to determine. I am in favor of the legislature giving more time, giving the gentleman all the time he wants, giving the people of Tewksbury all the time they want. But I say it is unfair for him to endeavor to keep out evidence that is vital, in the opinion of the governor and of some of the members of the committee, and I think it is procrastinating.

Mr. BROWN. Mr. Chairman, I ask for this, — if I may be permitted to say a word, — because I never heard of this matter before ; it has never been suggested that any such evidence existed, before this occasion, and I say that it is eminently unfair and unreasonable to allow the managers and officers of this institution to be charged with anything of this kind without having an opportunity to make their defence. Now, the gentleman from Worcester of the committee is a member of the House ; I am not. He can go to the House and advocate his cause ; I cannot. I am obliged to address myself to this committee, and I say to the committee, now, that the committee having decided to admit this testimony, as a matter of right

you should indicate, before the time named in the order of the legislature when this hearing must be closed, you should indicate that I shall have some time in which to answer this new proposition; because, it is admitted on all hands that it is new.

Gov. BUTLER. I do not admit it; I want it distinctly understood. I think it can be settled; I do not object to any time being given at all. — but I want to ascertain, before I go on with my rebutting evidence, whether such a motion will be entertained. Let us have it settled now, in justice to all parties.

The CHAIRMAN. It had better be settled now, I think.

Gov. BUTLER. If Mr. Brown thinks, in justice, he should have a portion of my time, and the committee think so, then I shall have to take one course. If, of the two days which have been allotted to me, — I have lost most of one of them, — if of the few days belonging to me, only two now, a portion is to be taken, then, of course, I shall go to the weightier matters of the law, if I have any. Therefore, I wish this question might be settled now.

The CHAIRMAN. I think it had better, too.

Gov. BUTLER. I ought to say, further, that, although it imposes labor upon me that I should like to get rid of, I wish that the House would give the fullest opportunity, would give us more time; and because there is a very grave question to be settled now, and the Senate cannot deal with it — the question of **Mr. Marsh's recusancy** — till Friday, and then I shall have no time to examine those books. Suppose he should come in then and say, "Well, if you order me to give them to him, I will turn them over," why, then, it would be as useless a performance, so far as I am concerned, as it would be to hand me a glass of water, and not so useful, because I have no time to examine them. Therefore, the House voted under one state of facts; now, there is another. I hope time will be given if anybody wants it; certainly it must be given if any portion of my time is to be taken away.

The CHAIRMAN. The committee now are under orders to close the hearing on Friday, and I suppose we must assume that the hearing must be closed on Friday, till otherwise ordered. I think, if this evidence goes in, the question whether **Mr. Brown** should be given time to meet it or not should be settled now. It is a question which should be settled between

the counsel, and it should be known how much time is to be given.

MR. CHAMBERLAIN. Whatever may be the desire of the counsel on either side to prolong this hearing, I do not believe that a vote can be passed through either branch of the legislature to prolong it. On the one side, I understand His Excellency has said that he had accomplished what he desired and that there was no need of continuing this hearing any longer, even, perhaps, a fortnight ago. Now, on the other side, the counsel claims that if this evidence is coming in he must have time to reply. Now, I believe that about everybody has had enough of this hearing; and I do not believe it ought to be prolonged because either one of the counsel desires that it should be. If this is coming in, — I voted not to allow this testimony to come in, because I believed it to be new, or cumulative. If it was either, it has no place, in my judgment, in rebuttal to what has been put in upon the other side. Now, as it goes in, it does seem to me, Mr. Chairman, that there should be some chance to reply to it, but I believe that opportunity should come between now and next Friday night. And, for one, I am willing to sit here three sessions a day, morning and afternoon and evening, and perhaps it can be accomplished in that way.

MR. MURPHY. I think that Mr. Chamberlain takes the wrong view of the matter, inasmuch as by the vote of the committee the evidence is admitted as rebutting evidence.

The CHAIRMAN. No; it is admitted.

MR. MURPHY. Admitted as rebutting evidence; that is the way I take it, Mr. Chairman, and, as a consequence, I don't see how we can give Mr. Brown an opportunity between now and Friday to make any answer to it in the view of its being new evidence, unless, as Mr. Mellen suggests, we get an opportunity from the legislature to sit longer for his accommodation. I believe, sir, that the time has been unnecessarily curtailed for this investigation, and if either side think they are aggrieved, then the proper way is to go to the legislature, which has curtailed it, and ask for a longer time.

MR. MELLEN. I believe that the proposition is decidedly unfair. I believe it means just this, — to curtail the governor just as much as it is possible. That is just what it means. He has got, at farthest, but a couple of days, and he has got many witnesses to summon —

The CHAIRMAN. Your remark is rather unnecessary, I think.

Mr. MURPHY. Not very, I think.

Mr. MELLEEN. By reason of some plans of the majority; that is my opinion. However, that has nothing to do with it, and I don't think the chairman had any right to lug it in.

The CHAIRMAN. No; I withdraw it; I withdraw it.

Mr. MELLEEN. Now, sir, I realize that it is within the power of the majority, as it was expressed yesterday, to do as they please with the minority; to do as much as they please for Tewksbury or Tewksbury's counsel, and to cut off the privileges of His Excellency in the matter of putting in rebuttal evidence; but I must protest against the curtailment of his two or three days by the introduction of matter by Mr. Brown that I don't think, now, is competent. I say that the committee have voted to admit this. I put it upon the ground, in making the motion, that it was in rebuttal; it was in denial, in contradiction of what the Tewksbury people say; and I have an idea that those who voted for it were of the same mind as myself. If that be true, then Mr. Brown has no right, even from a legal, technical standpoint, if I know anything at all about the legal standpoint, to bring in matter again on this point.

Mr. GILMORE. Mr. Chairman, I voted to admit this question, considering it entirely new business, but it seemed to me to be of a good deal of importance and I thought I would like to hear it; but I also believe that Mr. Brown ought to and should have the right to answer it. I think he should be entitled to that right.

The CHAIRMAN. I will put the question, if there is no objection.

Gov. BUTLER. I want it distinctly understood that I express no personal desire on the question one way or the other; I only want to know what is to be done and accommodate myself to it.

Mr. RISTEEN. I am perfectly willing, Mr. Chairman, that Mr. Brown should have an opportunity to put in any evidence in rebuttal, and I should cheerfully vote for an extra session of this committee to give him that privilege, but I don't think the time should be taken from His Excellency that has been allotted to him for putting in his rebutting evidence. And if the committee will vote for a special meeting, further than they had in-

tended to have, I will cheerfully vote for it in order to give Mr. Brown an opportunity to put it in.

The CHAIRMAN. The question is whether Mr. Brown shall have opportunity to reply to this evidence.

Gov. BUTLER. To come out of the time betwixt now and Friday.

Mr. MELLEN. I move the matter be deferred.

Gov. BUTLER. Oh, no ; let's have it settled now.

The CHAIRMAN. The governor asks to have it settled now, and I think it ought to be, because there is the matter of arguments and other things to be arranged.

Mr. CHAMBERLAIN. If the committee voted to let this in as rebuttal, I must bow, as I always do, to the will of the majority, because I believe they ought to rule.

Mr. MELLEN. Bow now, then.

Mr. CHAMBERLAIN. I am going to.

Mr. MELLEN. But you are not ; you are kicking.

The CHAIRMAN. The question is whether Mr. Brown shall have time between now and Friday night to reply to this evidence.

Gov. BUTLER. I have got some more like it.

The CHAIRMAN. And any other like it.

[The motion was carried, five to four.]

Gov. BUTLER. Now, how much time shall be given to Mr. Brown?

Mr. BROWN. I was just going to ask that question.

Mr. WALCOTT. I move that the time be given in a night session, either to-night or to-morrow night, as may best suit the convenience.

The CHAIRMAN. Any other night but Friday night.

Mr. BROWN. I would suggest this, Mr. Chairman. The governor says "this and more like it ;" now, upon how much more like it there is will depend very much how much time I shall want. If this thing is going on till Friday afternoon, I don't think it would be hardly fair to say I may have Friday evening to answer "this and more like it."

Mr. MURPHY. An evening is a long time, Mr. Brown ; have a good long session, commence at half-past seven and end at twelve o'clock.

Mr. GILMORE. Perhaps the committee would not agree to that.

Mr. BROWN. I might be embarrassed by lack of a quorum of the committee.

Mr. MURPHY. I don't think you would; I live in the city.

Gov. BUTLER. I say more of this kind of evidence. There are various matters of contradiction I shall want to put in that I think Mr. Brown will want to answer quite as much as he wants to answer this. I am going to contradict his case, if I am permitted by the committee, in pretty much every point, and then he will have to deal with my witnesses. I want to be very frank about it. For instance, I am going on, by and by, with Mr. Burns; he will cover a wide space of ground. Now, if the committee see fit to take away the time which is for me to do that in, then I must advise with myself what course I must take.

Mr. BROWN. I hope, Mr. Chairman, that the matter of the time may not be fixed. I am disposed to give the governor all the time there is between now and Friday, till we see about how much there is of this.

Gov. BUTLER. I am not going on that way; if you are going to take a day or a half a day, let me know it.

[The committee took a recess at this point for consultation.]

The CHAIRMAN. Proceed with the testimony. At the close of this hearing we will, with the counsel, consult with regard to fixing any time when the other side may be heard.

Gov. BUTLER. What time do you adjourn?

The CHAIRMAN. Probably adjourn at half-past twelve.

Gov. BUTLER. To what time?

The CHAIRMAN. Till two.

Q (By Gov. BUTLER.) Now, Doctor, the question I propounded was this: Whether, while you were in the employ of Dr. Wheelwright of the in-door poor department, he made an arrangement by which you and two other of his employees could get a body from Tewksbury, and if you went and got it? A. Yes, sir.

Q. He did? A. He did.

Q. Who delivered it to you? A. Mr. Marsh.

Q. And by Mr. Marsh you mean Thomas J., I suppose? A. Thomas J. Marsh, Jr.

Q. Yes; Thomas J. Marsh, Jr. Who were the other gentlemen who were with you in the use of this body? A. One was Walter Carl and the other was Arthur Witherell.

Q. Were they both in the employ of Dr. Wheelwright's office? A. They were; yes, sir.

Q. Dr. Wheelwright was not instructing you in anatomy, exactly, was he? A. No, sir.

Q. You were employees in his office? And, at the same time you were in the medical school? A. Yes, sir.

Q. Now, then, were you employed to get another one? Was an arrangement made by which you could get another one? A. Yes, sir.

Q. Where was that body, the first body, taken for dissection? A. To the Harvard Medical School.

Q. And dissected by you three as much as you chose to dissect it? A. Yes, sir.

Q. Where was the second one taken? A. It was delivered to the city undertaker to be delivered to the Boston Dental College.

Q. It was delivered to the city undertaker.

Mr. BROWN. Mr. Tinkham?

The WITNESS. Yes, sir.

Q. You delivered it? A. Yes, sir.

Q. I will go back a little. You went up, personally, with a horse and wagon and got the body, did you, the first one? A. Yes.

Q. And the second one? A. Yes, sir.

Q. Why was it delivered to the city undertaker? A. To be left at the Boston dental school.

Q. Was it there where you dissected that? A. I didn't have anything to do with that body at the Boston dental school; I simply transported that one.

Q. You simply transferred it; the first one was the one you had for dissection, you three gentlemen? A. Yes, sir.

Q. The second one, an arrangement was made that you should,—well, why were you employed as transportation agent? They had plenty of transportation up to Tewksbury, we have heard? A. Well, I don't know, I am sure.

Q. I mean for the second one. The first, I can understand why you should go after it, because you wanted it yourself, but the second one? That was delivered to you by Thomas J. Marsh, was it? A. Yes, sir.

Q. And the first time you had one of your young friends go up with you? A. Yes.

Q. And the second one you did not? A. No, sir.

Q. And Thomas J. Marsh delivered it in person, himself?
A. Yes, sir.

Q. Assisted you in handling it, putting it aboard? A.
Yes.

Q. Anybody else assist? A. No, sir.

Q. When was this, Doctor.—the first one,—as near as you
can tell? A. It was two years ago this last winter.

Q. The first one was two years ago this last winter; and
the second one was when? A. A year ago last winter.

Q. Then, if I understand, you were carrying on your studies
at Harvard at the same time you were in the employ of the
State? A. Yes.

Q. Medical studies; how long were you there graduating?
A. Four years.

Q. How long were you employed by the State? A. Some
over three years.

Q. Some over three years. A. Yes, sir.

Q. And your employment for the State was what? A. As
medical visitor for the out-door poor department.

Q. That is for Dr. Wheelwright's department? A. Yes,
sir.

Q. Out-door visitor; and did you commence the duties of
medical visitor of the out-door poor department at the same
time you commenced your studies in the medical college? A.
I didn't take charge of the work.

Q. What? A. I didn't do any medical work during my
first year at all.

Q. Didn't do any work the first year, but the last two. Is
what you said about your employment also applicable to the two
other young gentlemen who were with you? A. Yes, sir.

Q. They held the same position you did? A. Yes, sir.

Q. And you got paid how much a month for your services
to the State? A. Fifty dollars.

Gov. BUTLER. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. How old are you? A. Twenty-four.

Q. Twenty-four years old. A. Nearly twenty-five.

Q. Where do your parents reside? A. Woburn.

Q. You are a graduate of Harvard College? A. Yes, sir;
of the medical college.

Q. Are you a graduate from the academic department? A. Not of the university.

Q. When did you first enter the Harvard Medical School? A. In '79.

Q. Fall term? A. Yes.

Q. Now, what was the date when you entered the employ of the Commonwealth? A. In August of the same year, sir.

Q. August of the same year. A. Yes, sir.

Q. What were the names of the other two persons? A. One was Walter Carl and the other Arthur Witherell.

Q. Where does Walter—Carl, is it? A. Yes, sir.

Q. What is his address? A. Greenfield, I suppose.

Q. Massachusetts? A. Yes.

Q. Belongs there? A. Yes, sir.

Q. And what is the address of the other; the third? A. Well, I rather guess it is Boston; I think he stops in Boston. He is still on duty for the State and travelling about.

Q. In Dr. Wheelwright's department? A. Yes, sir.

Q. Did you all enter Dr. Wheelwright's department at the same time? A. No, sir.

Q. When you entered Dr. Wheelwright's department were either of the others there employed? A. Yes, sir.

Q. Which? A. Both of them.

Q. In the same business? A. Yes, sir.

Q. Now, what is this business of visiting the out-door poor?

Gov. BUTLER. Medical visitors to the out-door poor.

Mr. BROWN. I understand.

The WITNESS. When the overseers notify the out-door poor department of cases for aid and charity, we have to visit them and examine them, find out the legal settlement and see if they are cases for State aid or if they have a legal settlement in some town or city, and, if they are sick, to find out their condition, and report.

Q. Now, is there any limit, or do you go throughout the entire jurisdiction of the Commonwealth? A. Yes, sir.

Q. Anywhere? A. Yes.

Q. Everywhere? A. Yes, sir.

Q. In the Commonwealth? A. Yes, sir.

Gov. BUTLER. Agent of the out-door poor of the Commonwealth, Dr. Wheelwright is.

Mr. BROWN. Yes; so I supposed.

Q. And you were such officer and still in Harvard College?

A. Yes, sir.

Q. How did you do your duties in Harvard College and as this medical visitor, both? A. I did my duties for the State and let the college exercises go, except when I could attend to them.

Q. Except when you could attend them. A. Yes, sir.

Q. You did all the visiting for the State? A. All that my duties required me to do.

Q. Well, didn't your duties require you to give your entire time to the State? A. No, sir.

Q. Why not? A. Because that was the agreement when I went there.

Q. The agreement when you went there was what? Just give it to us. A. That I should have so much duty to perform and could do it at such time as I could. I was not required to do it at any particular time of the day, but whenever I could, and I could arrange it so as to attend to my studies to suit myself, provided I did the required amount of work.

Q. Well, now, when was it you got this body that went to the Harvard Medical School; give us the date? A. I can't; it was during my second year, in the winter.

Q. Well, what winter? A. That was two years ago this last winter.

Q. The winter of '81-'82, or '80-'81. A. '80 and '81, I think.

Q. In the winter of '80 and '81. You never saw that body till it got to the Harvard Medical School? A. No, sir.

Q. You don't know anything about —

Gov. BUTLER. What was that?

Mr. BROWN. He says he never saw the body till it got to the Harvard Medical School.

Q. You don't know anything about what the arrangement was which you say Dr. Wheelwright made? Just answer my question, yes or no. A. Yes, sir.

Q. Do you know except by hearsay? A. Yes, sir.

Q. How do you know? A. Dr. Wheelwright told me.

Q. Wait one moment; that is hearsay, isn't it? A. Well, yes.

Q. Now, do you know, I ask you again, do you know anything about the arrangement that was made, except by hearsay? A. No, sir; I do not.

Q. Do you know why you are called to testify about arrangements that you never heard of, or that you don't know anything about except by hearsay?

Gov. BUTLER. I object to that question; he is not called here to testify about the arrangement; he is called to testify to the fact that he went under the direction of Dr. Wheelwright, who had made an arrangement by which he got the body.

Mr. BROWN. Then let us understand, Governor, because it may be very material; that is the only thing you put him on for, in order to show the fact, is it?

Gov. BUTLER. To show the facts; yes, sir. That is all I ever put a witness on for; I never call a witness except for that.

Mr. BROWN. Very well, then; we will let that go.

Q. Now, take the next body, the one that went to the dental college; you say that was delivered to Tinkham, the undertaker?

A. Yes, sir.

Q. An arrangement was made by Dr. Wheelwright for that body, was there? A. Yes, sir.

Q. Do you know anything about that body except hearsay? A. No, sir.

Q. The body you took was delivered to Mr. Tinkham; that is the undertaker on Howard Street, is it not? A. It was delivered to the city morgue.

Q. To the city morgue? A. Yes, sir.

Q. Where was the first time you saw it? A. I have not seen the body; I didn't see the body.

Q. You never saw the body? A. No, sir.

Q. How do you know one was delivered? Just tell us. A. I brought the coffin with something in it.

Q. But you don't know but Joe Chase might have filled it with billets of wood, do you? A. I don't know anything about it; I didn't see it.

Gov. BUTLER. He may know what came out of that coffin.

Mr. BROWN. Let us see.

Q. Did you open the coffin or see anything taken out of it? A. No, sir.

Mr. BROWN. Then what the governor said is not true, that you knew what came out of that coffin, was it; he got a little ahead of his story.

Gov. BUTLER. Oh, not at all.

Q. Now, do you mean to tell this committee that you never saw that body till you came to dissect it? A. The first one?

Q. No, the second one; the one that went to the dental college? A. I never saw that at all.

Q. Never saw it at all? A. No, sir.

Q. What, not at all? A. Not at all.

Q. What did you testify about it for? You don't know anything about it, except hearsay, do you? Come, answer; time is precious. You are taking this right out of the governor. A. I didn't see the body; I don't know anything about it, because I never saw it.

Q. You don't know anything about it. A. I supposed I brought the body.

Q. Now, that expression, you don't know anything about it, covers that whole case, don't it? Now, be frank; covers the whole case, don't it? A. Well, —

Q. Now, own up like a man. A. I supposed I knew what I was bringing, and I simply tell it for what I supposed; that is all.

Q. Oh, but that is not an answer to my question. Just own up like a man, that that expression that you don't know anything about it covers this entire case, — that is, of the second body, — don't it? A. Since I didn't see, I don't know.

Q. You don't know anything about it? A. No, sir.

Q. Well, you don't even know who dissected that body? A. No, sir.

Mr. BROWN. Well, don't you feel a little indignant that the governor should have played that joke on you? That is all.

Re-direct examination by Gov. Butler.

Q. Let me ask you, sir; you went up to Tewksbury after something? A. Yes, sir.

Q. And that was a body? A. I supposed it was.

Q. When you got up there something was delivered to you? A. Yes.

Q. From what house? A. The dead-house.

Q. It was delivered to you in a coffin? A. Yes, sir.

Q. And you brought it back down to the Harvard Medical School? A. Yes, sir.

Q. And did you tell Marsh what you wanted when you got up there? A. Yes, sir.

Q. And did he say he hadn't got any such thing, or did he deliver it according to order? A. He delivered it.

Q. And you brought it down, and afterwards you had the dissecting of the body, — you and your friends had the dissecting of the body that you supposed you had brought down?

A. The first time; yes, sir.

Q. What? A. The first one; yes, sir.

Q. The first one; I am dealing with the first one; precisely. And that was delivered in a coffin, and, therefore you didn't see it. Now, about the second one. The second time, did you go up after a body? A. Yes, sir.

Q. And you found Mr. Marsh? A. Yes, sir.

Q. And you told him what you wanted? A. Yes, sir.

Q. And he went to the dead-house with you, and you and he put a coffin into your wagon? A. Yes, sir.

Q. That is so? A. Yes, sir.

Q. And you brought that down and delivered it where you were told? A. Yes, sir.

Q. To the city morgue? A. Yes.

Gov. BUTLER. And what was done with it after that you only know from hearsay that it went to the Boston Dental College. I believe that is all, sir.

Re-cross examination by Mr. Brown.

Q. Let us see, one moment; didn't you testify that the first time you saw the first body it was at the Harvard Medical School? A. Yes, sir.

Gov. BUTLER. He does now.

Q. But you do mean to say you went to Tewksbury to get it? A. Yes, sir.

Q. And you mean to say, also, that you went to Tewksbury the second time to get the second body? A. Yes, sir.

Q. You don't know, — you have testified, now, to all you know, personally, of any arrangement that was made, have you? A. No, sir.

Q. What is that? A. No, sir.

Q. That is, you have kept back a part of your personal knowledge of this transaction, have you? A. Well, if personal knowledge is what has been told me, I have.

Q. Don't you know, — twenty-four years old, and don't you know the difference between personal knowledge and what a

man tells you? Are you engaged in the medical profession now? A. Yes, sir.

Q. Have you notified your patients of that fact?

Gov. BUTLER. What fact?

Mr. BROWN. That he don't know the difference between personal knowledge and what people tell him.

Gov. BUTLER. I guess not. He is in charge of insane patients, and he would not be likely to discuss it with them.

Q. You know what personal knowledge means, don't you? Just say you don't, and I will be satisfied. If you do, I have got some other questions to ask you. A. Well, I think I do.

Q. You think you do? A. Yes, sir.

Q. Do you think you think you know? Let us see if we can go one step further. A. That is too much for me, Mr. Brown.

Q. That is the condition of your mind, is it; you are a little in doubt. Give yourself the benefit of the doubt, now, and tell us what the fact is.

Gov. BUTLER. The fact is about what?

Mr. BROWN. Whether he knows what personal knowledge is. That is the first fact I want to know. [Witness paused.] All this time comes out of the governor.

Gov. BUTLER. I am quite aware of that.

A. I don't see, — I think I do; yes, sir.

Q. You understand that. Now, I will ask you again, do you know anything of your own personal knowledge about the delivery of either of these bodies that you have not stated? A. I have told you all.

Q. Oh, no; just answer me, yes or no.

Gov. BUTLER. I appeal to the committee.

The WITNESS. I don't see how I can, Mr. Brown.

Q. How you can what? A. I have told you —

Q. Don't see how you can what? A. Answer yes or no.

Q. Then go on and tell us the other answer you were going to make. A. I have told you all I know about the transaction, and all that I did. When you ask me if I have kept back any knowledge of the arrangement made —

Q. I didn't ask you that. A. Then I misunderstood your question.

Q. Then notice my question: Have you now told all that you know about the delivery of these two bodies; that you know of your own personal knowledge? A. Yes, sir.

Q. You have? A. Yes, sir.

Q. You haven't kept back anything? A. No, sir.

TESTIMONY OF CAROLINE E. HASTINGS (*recalled*).

Direct examination by Gov. Butler.

Q. Are you employed at the homeopathic college? I don't know as that is the technical name of it? A. The Boston University School of Medicine.

Q. How long has that been running? A. It was opened in 1873.

Q. Then about ten years. How many bodies has your institution received from Tewksbury?

Mr. BROWN. Now, I pray the judgment of this committee.

Gov. BUTLER. There has a certain report been put in here, a report you have got and I have asked for.

Mr. BROWN. Yes; and it is a report that your friends said would not be allowed in evidence. And upon that, when I was asked yesterday whether it should be delivered to you, I objected, because it was not in evidence. If you want to use it in evidence, and say so, then I will say something else; but I don't propose to have evidence introduced to contradict a report which is not in evidence, and which you have excluded upon your own motion, or caused to be excluded.

The CHAIRMAN. The question is, whether she shall say whether bodies have been delivered from Tewksbury to this institution.

Gov. BUTLER. Yes; and how many. Why, the difficulty is — the gentleman is very quick. There has a report been put in, sir, of the gross number of bodies delivered. Now, if we can show — it is a report upon which you placed reliance, I have heard, Mr. Chairman, in discussing other questions. It shows the number delivered in the course of certain years. I am going to cover those very years, and if I can show what has been delivered to the Boston medical school, what has been delivered to the dental school, what has been delivered to the Harvard school — and I can't do it all with this witness — why, then, I suppose, if the numbers added together show a larger number than that report states, that report is simply a lie. Haven't I a right to prove that?

Mr. BROWN. Mr. Chairman, here is a report. First, let us see where we are. Mr. Nourse testified that Thomas J. Marsh, Jr., made a report to his board in January, 1833.

Gov. BUTLER. Yes.

Mr. BROWN. In January, 1883, it was placed on file. He took that report of Thomas J. Marsh, Jr., and he carefully examined that with the original books, memorandum books, which Thomas J. Marsh, Jr., had in his possession. For that purpose the books were left in his possession, and they were there before the inspectors or trustees of this institution, and examined by them. And he further testified that the report which had been made agreed with the books; he checked them off both ways, and found them correct.

Gov. BUTLER. I don't agree to that statement.

Mr. BROWN. Well, the committee can refer to the record. I have examined it very carefully. Now, that report came down to January 25th, 1883. Now, His Excellency has sent for and excluded that report which shows how many went to the dental college, how many went to Harvard, and how many went to other places.

Gov. BUTLER. Now, what report are you talking about?

Mr. BROWN. I am talking about the report made by Thomas J. Marsh, Jr., to the board of inspectors, which this record says was placed on file on the 25th of January.

Gov. BUTLER. I am not talking about that one at all.

Mr. BROWN. Well, I know you are not.

Gov. BUTLER. That is not the one I wanted to contradict. The one I want to contradict at present is in that book.

Mr. BROWN. I know it is.

Gov. BUTLER. That has been put in evidence.

Mr. BROWN. This has been put in evidence. Now, the report of Thomas J. Marsh, Jr., which the governor has caused to be excluded and yet which he wants to see, is in the hands of the chairman. And the number of bodies in that report, Mr. Nourse testified, agreed with the number of bodies contained in this report. That is, the report made by the trustees of that institution in a letter addressed to the board of health, lunacy and charity. Very well. Now, in the record of that same meeting it says — a copy of a report of the trustees of this institution addressed to the board of health, lunacy and charity contains this memorandum. — it contains a statement in the first place —

Gov. BUTLER. Remember all this comes out of my time, Mr. Brown.

Mr. BROWN. Yes.

Gov. BUTLER. Read it right out; come.

Mr. BROWN — it contains — you will lose a good deal of your time if you don't let me alone. It contains this language :

"There are now on the board of trustees but two of those who made this arrangement. From the report of Thomas J. Marsh, Jr., we find that from October 19th, 1873, to October 1st, 1882, 585 bodies were delivered the medical colleges, of which 549 were of adults and 36 of children. The whole amount paid, &c."

Gov. BUTLER. Will you let me have that a moment?

Mr. BROWN. Excuse me; there were 585 down to the first day of October, 1882. Now, then, the same report goes on to say — at least the record of this same board goes on to say :

"A supplementary report by T. J. Marsh, Jr., of material furnished the medical colleges for anatomical purposes was presented, and on motion the same was laid on the table."

Now, that is in the hands of the chairman of this committee, and to that you object, and you say it shall not be put in evidence. Now, you propose to show that from this institution down to the present time, to these various medical schools, there have been more than 585 bodies delivered. Why, the very record itself shows there were more, and you won't let me put in how many more; and yet you purpose to contradict me. Now that is precisely what this is for, and you can see by the position of affairs precisely what is attempted to be done. We have got in a part of our case and he won't let us get in the rest. He says he won't. And yet he wants to contradict the part we have in, when all the elements to make up the sum total are not stated in this communication on this record of the trustees.

Gov. BUTLER. Let me see that, will you?

Mr. BROWN. Certainly. Now, I say that until that record is in evidence His Excellency cannot go further than this: to show that between those dates named in that report, from the first of October, 1873, to the first of October, 1882 — if he wants to show that between those dates there were more than 585 bodies delivered to the different medical colleges, and that we are in error about it, that may be open to him; but to undertake to show anything else is clearly not in rebuttal in any way, shape or manner.

Gov. BUTLER. There is a refreshing degree of coolness about this.

Mr. BROWN. There ought to be. It is a solemn subject.

Gov. BUTLER. They have done this: they have put in the report of the trustees of the number of bodies delivered between two dates. There then was a report of Thomas J. Marsh, Jr., to them, and that was offered in evidence at the time when he was refusing to give us the original books from which that report was taken. I said under the circumstances their report should not go in. A man should not put evidence in his pocket and simply put in his own story. With the record of evidence in his own pocket, and refusing to produce it to the committee, he stands here in contempt of the committee; and up to this time this committee has been in contempt by this man. I said that man cannot put in his own story as evidence, and the committee sustained me and ordered it to be put into the hands of the chairman, to be used in evidence if I think best. Now, I don't propose, and it won't be used in evidence at all, unless I come to the conclusion to use it in evidence. Now, I understand in that report — for I have seen it — there is not a word said about bodies; not one. There are only certain figures given which may stand for bodies and may stand for something else. But that is here and we won't talk about that. I mean to contradict this, if I can, in two important particulars, and to show that it is all wrong, by showing how many bodies were delivered. We have got the evidence of how many were said to be delivered at Harvard; and it is only to call now — if we haven't got it correct I propose to verify it by the treasurer of Harvard, if I have any time to do it; and then it is only to call the dental college and ascertain how many they got, legitimately, and then add two that we have shown to be smuggled, two more and as many more as we can show to be smuggled, perhaps to Dartmouth, and then we shall have the sum total of the bodies. Now, if I can't do that, say so.

The CHAIRMAN. What is this institution that this lady represents?

Gov. BUTLER. The Boston University of Medicine. And I want to say here, another method I have of verifying it.

Mr. BROWN. Will you allow me to ask the witness a question?

Gov. BUTLER. No; don't tamper with the witness.

Mr. BROWN. If this is the same institution where Dr. Talbot is the dean.

Gov. BUTLER. God may know ; I don't.

Mr. BROWN. If it is there is an additional reason why it should not go in.

Gov. BUTLER. There is an additional reason why it should. But I am not upon that. This is the Boston University School of Medicine, and I want to say now that all along through the death-book in various places I have another test. Somebody has marked on the death-book "H." "B." "D" against certain dead.

Mr. BROWN. What did you say ; Ph. D.?

Gov. BUTLER. "H," "B," "D"; Harvard, Boston college and dental college, as I interpret it; and I think I can make that interpretation good. Charles Marsh, when I asked him about it, said that was put on by some of the physicians, or by the physician. I asked Dr. Lathrop and he said he had never made any such entry.

Mr. BROWN. There are three or four physicians up there.

Gov. BUTLER. I understand. The assistant physician had certain special duties to perform. But I don't want to tell about that now. I am trying to trace these dead bodies, if I can, and show that they have not told the truth about it. That is all I care to say.

The CHAIRMAN. Is the committee ready to vote?

Mr. GILMORE. I move that the question be admitted.

The CHAIRMAN. Those in favor raise their hands: six, I believe; those opposed by the same sign, three; the chair votes in the negative.

Q. Now, Doctor, will you tell us how many bodies were delivered to your institution?

Mr. BROWN. You mean up to the present time?

Gov. BUTLER. Up to the present time.

The WITNESS. In the ten years?

Gov. BUTLER. Within ten years.

The WITNESS. One hundred and forty-eight.

Q. How many have been delivered within the last three months; the last three months,—from Tewksbury I mean now, all the time.

Mr. BROWN. Well, she don't probably know whether they came from Tewksbury or some other place.

Gov. BUTLER. I will put the question.

Q. How many have been delivered from Tewksbury? A. I could not tell you that without referring to the papers.

Q. Yes; you can tell within the last three months. How many in the last three months?

Q. (By Mr. BROWN.) Can you tell how many came from Tewksbury at any time? Are the 148 those that came from Tewksbury? A. I supposed I was testifying in regard to Tewksbury when I gave those figures: 148 is the number we have had from Tewksbury.

Q. (By Gov. BUTLER.) Whom did you pay for them? A. I didn't pay for them.

Q. No; but whom did your institution pay for them?

Mr. BROWN. I pray the judgment of the committee. Do you know anything about it?

Q. (By Gov. BUTLER.) Do you know—of course you didn't personally pay for them out of your own pocket. Whom did your institution pay for them, if you know?

Mr. BROWN. I pray the judgment of the committee. This witness does not appear to have the disbursement of money. It is not put in evidence as far as she has gone.

The CHAIRMAN. If she knows who paid for them let her say so.

Mr. BROWN. She has not been asked.

Q. (By Gov. BUTLER.) Do you know by whom they were paid for? A. Do you mean who received the money?

Q. Yes. A. I do not.

Q. Ever see any bills come for them? A. Not lately; I have in earlier years.

Q. To whose name did those bills come?

Mr. BROWN. I pray the judgment of the committee. If there are any bills, I think we are entitled to see them. It is a written document, the contents of which cannot be proved by parole.

Gov. BUTLER. It only takes time.

Mr. BROWN. There is no reason why we should throw down all the bars of evidence to save time.

Gov. BUTLER. Why, the same thing was allowed in the case of Dr. Porter.

Mr. BROWN. On cross-examination.

Gov. BUTLER. No, sir: on your examination. He wasn't asked whether he had paid for them, but he produced what he found on the treasurer's books.

Q. (By Gov. BUTLER.) Now, do you know what your treasurer or dean, or whatever he is, paid for them — what the books show?

Mr. BROWN. I object.

Gov. BUTLER. I ask her if she knows.

Mr. BROWN. Suppose she does know. I object to the question.

Gov. BUTLER. There is no reason why all the books and papers of that institution should be brought here.

Mr. BROWN. We ought to have them, and not ask a person who says she has nothing to do with the keeping of them.

Q. (By Gov. BUTLER.) I thought you were the secretary of the institution. A. Yes, sir; I am.

Mr. BROWN. The books in regard to funds are in the hands of the treasurer, I suppose.

The CHAIRMAN. Is she the treasurer?

Q. (By Gov. BUTLER.) I don't know whether your institution has a treasurer. A. We have something that answers for one.

Q. That is not the name of the officer, is it? The name of the officer, I suppose, is the dean, is it not? A. The chief officer.

Q. Well, isn't he the disbursing officer? A. I don't know, really. I suppose he is. If you ask me for the fact, I cannot say.

Q. Do your bills pass through a board for approval? A. We have a board known as the executive committee.

Q. Are you a member of that? A. No, sir.

Q. Very well. Do you know what was paid for them? I mean now for each one; what price?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. I ask if she knows.

Mr. BROWN. She may know by hearsay, but not from personal knowledge.

Gov. BUTLER. Ah, pardon me. This lady knows what is meant by personal knowledge. She has not been in the service of the State, and she knows something.

The CHAIRMAN. That don't apply to the legislature and executive?

Gov. BUTLER. They are not in the service of the State; they ought to be in the service of their constituents.

The CHAIRMAN. I agree to that.

Q. Now, then, do you know what was paid for bodies? What bargain was made, or what agreement was made, to be paid — how much money? A. I only know what was paid by having seen. I know the number of bodies delivered and the amount paid. That is the only way I know.

Q. (By Mr. BROWN.) That is, having seen it on paper? A. Yes, sir.

Q. On the books? A. Yes, sir.

Gov. BUTLER. Oh, well; I will send for the books.

Q. (By Gov. BUTLER.) When did you see it last? A. Sometime last week; I could not give the date. Soon after I had the interview with the gentleman whom you sent up to see me.

Gov. BUTLER. I won't pursue this any further if the committee think I ought to send for the books. It is only to save time and trouble of producing the books that I offer it in this way.

The CHAIRMAN. Of course it would be more satisfactory to have the books.

Q. (By Gov. BUTLER.) What is the name of the dean?

A. Dr. I. T. Talbot.

Gov. BUTLER. Mr. Innis, will you have the kindness to summon Dr. Isaac T. Talbot with a subpoena *duces tecum*.

The WITNESS. It is I. Tisdale Talbot.

Gov. BUTLER. I. Tisdale Talbot, with all the books of the Boston University of Medicine that have any relation, directly or indirectly, with the receipt of or payment of money for dead bodies during the existence of the institution. [To the witness.] And if you will attend here then, I will examine you further; at two o'clock.

The CHAIRMAN. Have you got a witness you can put on for ten minutes?

Gov. BUTLER. I have got a short one, I think; Mr. Hall.

TESTIMONY OF ROBERT HALL (sworn).

Direct examination by Gov. Butler.

The WITNESS. Well, I arrived at Tewksbury —

Gov. BUTLER. Stop a moment. I will ask you a question, and you can tell the story.

Mr. BROWN. Got the machine all wound up, I suppose.

Gov. BUTLER. Yes; he comes here to tell the truth, I suppose, without being insulted before he begins.

THE WITNESS. I suffered in Tewksbury; I don't want to here.

GOV. BUTLER. The counsel for Tewksbury is here, and you are in danger.

Q. When did you go to Tewksbury, sir?

MR. BROWN. Can't we have his name, Governor.

GOV. BUTLER. Robert Hall, sir.

Q. Where do you live? A. I live in Brockton, Massachusetts.

Q. When did you go to Tewksbury? A. I went on the 18th of February, 1883.

GOV. BUTLER. Keep your voice up.

THE WITNESS. The 18th of February, 1883.

Q. When did you leave there? A. On the 12th day of March.

Q. What is the matter with you? A. I was troubled with rheumatism when I went there, and I am now.

Q. Did you leave of your own accord? A. I did, sir; I was glad to.

Q. Did you inform the physician, Dr. Otterson, what your troubles were? A. I did; yes, sir.

Q. What answer did you get?

MR. BROWN. Now, I pray the judgment of this committee, whether we are going into a new case of mismanagement?

THE CHAIRMAN. I guess you had better let the governor go forward and show the competency of it.

GOV. BUTLER. How?

THE CHAIRMAN. I think you had better show how it is competent.

GOV. BUTLER. I am going to show it in this way, sir. We have had every person there saying that there has been no cruelty to anybody, and that the institution has been well and kindly managed towards everybody who goes in there. I propose to contradict that, if I can. I propose to contradict that testimony by showing cases of cruelty, within so short a time that they could not be forgotten. Every nurse that has been brought here, every young woman, young girl that is called a matron, who has been brought here, Charles Marsh and Thomas J. Marsh, senior, have sworn, covering the whole period, that there was no case of cruelty. There have been one or two which, on cross-examination, came out from Dr. Lathrop. Now, I propose to show that there were cases of cruelty right under

their noses, open, violent, which they ought to have known, and did know, except they denied them with the oath of God upon them. If I can't do that, I can't do anything.

MR. BROWN. Mr. Chairman, I challenge His Excellency or any member of the committee to point to any sentence where any witness called for the defence has said that there was no case of cruelty. They have denied specific charges of cruelty, and explained specific charges of cruelty. For instance, the Barron woman, testified to by Dudley; we explained that, and we showed that the same course of treatment continued after Dudley took charge of the Barron woman that had existed before.

GOV. BUTLER. I am not after the Barron woman; that is not this case.

MR. BROWN. I know; that is a very barren subject to you, no doubt.

GOV. BUTLER. I am quite contented with it.

MR. BROWN. Now, if His Excellency can produce a witness who can say that any witness produced by the defence testified to that which was untrue, when they said they never heard of an instance of cruelty, and can show that the witness who testified had heard of them, that is rebuttal. Why, I might have gone on for four weeks longer than I did, and have called more nurses, more attendants, more inmates —

GOV. BUTLER. No inmates except Joe.

MR. BROWN. What is that?

GOV. BUTLER. No inmates that I remember now except Joe.

MR. BROWN. And to show that nothing of the kind took place I didn't believe, after members of the legislature and after members of the committee had visited this institution, that it was at all necessary for me to call witnesses in regard to general management; therefore I left them out, and I confined myself exclusively to answering the specific charges which His Excellency had made. Now a man comes in here, and he does not say that Charles Marsh, or Mr. Thomas J. Marsh, senior —

GOV. BUTLER. He has not said anything.

MR. BROWN. Why, he didn't pretend that he was going to say anything — that Thomas J. Marsh, senior, has told that which was untrue and that he did know of a case of cruelty. He don't pretend that. He is going off on his own statement, and undertakes to say that there were other cases of cruelty, not hitherto named by other witnesses for the governor or any wit-

ness for the defence. It is entirely and absolutely new matter ; clearly new matter. And, if the committee vote to let it in, it is just as clean and clear an opening of the case as we had at the opening on the 30th of March, when we came together in the room down stairs, in room No. 10, — just as clean and clear. And I want to say to the committee that if you want to consider it anew, and if the governor won't tell the legislature that they ought to have gone away last April if they had attended to business, and if he will say that he would like to have them stay, I will use my influence, and we will stay and go through with this until next September or next January.

Gov. BUTLER. I won't agree to stay any longer than January.

The CHAIRMAN. Perhaps there won't any of us ; we can't tell about that.

Mr. BROWN. Now I say, for these reasons, that this matter ought not to be gone into.

The CHAIRMAN. The committee must decide.

Mr. BROWN. I would like to ask if I have the close. I am the objecting party.

Gov. BUTLER. No. He asked me to open. That won't do. Now, Mr. Chairman —

Mr. BROWN. You are taking your own time.

Gov. BUTLER. I am. And I have a right to waste it and you haven't.

Mr. BROWN. I am glad to hear you say it is wasted.

Gov. BUTLER. They produce certain people and explain certain charges, certain specific acts of cruelty, and they have asked them, over and over again, was there any cruel treatment to anybody ; and when they have neglected to ask them I have. And every one of the creatures they brought here swore there never was an act of cruelty.

Mr. BROWN. That they ever heard of.

Gov. BUTLER. Every one of them.

Mr. BROWN. Won't you find that in the record, Governor?

Gov. BUTLER. You will find it in every case ; especially in the testimony of Thomas J. Marsh, senior. Now, then, if he was there — take it either way.

Mr. BROWN. He is the man you endorsed as honest.

Gov. BUTLER. In comparison with his sons ; yes. I was making that comparison at the time, and said he was a comparatively honest man compared to his sons. Now, let us take him. He was superintendent of this institution. If he knew about it,

knew of these acts of cruelty, and swore he didn't hear of them, then we show that he lies.

Mr. BROWN. By showing that he did hear of them.

Gov. BUTLER. You must let me alone, now. We show that he lies if he did hear of them. If he didn't hear of them, then it was his duty to have heard, as the superintendent; and he was negligent and ought not to have been trusted with this institution. For if men and women could be kicked, as I am about to prove, abused, pounded and knocked down, down almost to the day when this investigation commenced, it could not have been done without dereliction of duty by those officers in charge. And dereliction of duty is what I have attempted to prove, which they have denied; and I am going to show that the denial was false. I don't think they knocked them down and dragged them out when you were there. That is not the time it is done. And he says he depended upon what you saw. If you are going to take as evidence what you saw, and found any report upon it, I respectfully submit that I ought to have been invited to go with you when the evidence was being put in.

The CHAIRMAN. Your invitation is a standing one, Governor.

Gov. BUTLER. What?

The CHAIRMAN. You have a standing invitation.

Gov. BUTLER. Pardon me; not to go with the legislature. I have no right to crowd myself into their company.

Mr. BROWN. And a duty also.

Gov. BUTLER. I have no duty to go with the legislature there. Neither one nor the other. I should simply be impertinent if I went with them unless asked. And it has been usual that legislatures ask governors to go with them on such trips, like the Hoosac Tunnel, Tewksbury and other places.

The CHAIRMAN. You should address your remarks to the House members, Governor, because the Senate didn't go up.

Gov. BUTLER. Very well; either branch has usually invited the governor and council. But this legislature is governed by its own rules. That is not harsh, is it, sir?

The CHAIRMAN. No.

Gov. BUTLER. Very well, I have not done any harm in saying that this legislature is governed by its own rules in its own way. Now, then, shall I be allowed to put in those acts of cruelty, to show that these very persons, nurses and all, did know of them, and it was their duty to report them and they have not done so; indeed, they have sworn there was no such thing. Now,

one word upon the matter dropped in by Brother Brown, that I say the legislature ought to have gone home last April. I didn't introduce that, but I stand by that. And they should have left us here to have fixed this thing up quietly, comfortably, and without any hurry as to time.

The CHAIRMAN. We can't reply, Governor; I wouldn't go into that at much length.

Gov. BUTLER. Why shouldn't I? I am replying to what he said.

The CHAIRMAN. You may reply to him.

Gov. BUTLER. I am replying to him. I say, therefore, it is not anything to be brought against me, Mr. Chairman, although I had said it. I have not said so. I have said the actual business of the legislature could have been finished; and it could have been, in my judgment. If circumstances have altered that, that is an affair we will fix between now and next January, somehow, with the men that we will have to settle these things with. But it is no argument why I should not be allowed to put this evidence in, and I pray you not to take it into consideration, especially if I yield to the suggestion of the chairman and don't pursue it any further.

The CHAIRMAN. The question is whether this shall be admitted.

[The question was rejected, four to five.]

The CHAIRMAN. Now it is time to adjourn until two o'clock; I hope the counsel will remain and we will have a brief conference.

Adjourned.

SIXTY-FIRST HEARING.

WEDNESDAY, July 11.

The committee met in the Green Room at 2 p. m., Senator LORING of Worcester in the chair.

The CHAIRMAN. Call your witness, Governor.

Gov. BUTLER. Hon. Godfrey Morse. Mr. Morse, I will call you; you want to get back to court.

TESTIMONY OF GODFREY MORSE (*sworn*).*Direct examination by Gov. Butler.*

Q. Mr. Morse, how long have you lived in Boston? A. Twenty-eight years.

Q. How many years have you been a member of the school board? A. Three years.

Q. And how long a member of the common council? A. This is my second year.

Q. Do you know Dr. Dixwell? A. I do.

Q. How long have you known him? A. Seventeen years.

Q. How well have you known him? A. He was a classmate of mine in college.

Q. Known him ever since? A. I have known him ever since.

Q. Has he had an office or place of business near you? A. Mine was on State Street or Water Street, and his was on Pemberton Square and on Beacon Street. He graduated from the medical school.

Q. Have you known those who know him quite well? A. All my classmates have known him — college classmates.

Q. Prior to this investigation did you ever hear his character for truth and veracity questioned? A. No, sir.

Q. Prior to this investigation did you ever hear, or know, or believe that he was a lunatic? A. I never believed it, sir.

Q. Did you ever hear of it? A. I never heard of it before.
Gov. BUTLER. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. Did you ever consult his family physician or talk with him about it? A. No, sir.

Q. Did you ever consult with any of his relatives about it? A. No, sir.

Q. Or talk with them about it? A. No, sir.

Q. If an expert upon insanity, who was familiar with his history and the history of his health, should say that he was of unsound mind, would that affect your judgment at all? A. I hardly think it would.

Q. Were you his counsel? A. I have been.

Q. When last? A. A little over two years ago.

Q. And rendered professional services for him, have you? A. I have advised him in matters; yes, sir.

Q. Under a retainer? A. No, sir; as his friend and classmate. I have had nothing to do with him professionally for over two years.

Q. Still you consider you are under a sort of professional obligation to him? A. No, sir; I do not. I rendered my services without pay, and I don't consider myself retained, although I was consulted professionally.

Q. Well, you say you are a member of the school board? A. I was.

Q. If Dr. Dixwell should say that the lady teachers of Boston had to submit themselves to the members of the school board before they could be employed, would you consider that evidence of an unsound mind?

Gov. BUTLER. I object to that question.

The CHAIRMAN. That is as competent as the other one he put, isn't it?

Gov. BUTLER. How.

The CHAIRMAN. Isn't that as competent as the other — if an expert on lunacy should say he was crazy?

Gov. BUTLER. I don't know but these are as competent as some others that have been put here, but this is not competent. If something else should happen what would happen?

The CHAIRMAN. Can't he put a theoretical case on cross-examination?

Gov. BUTLER. Yes, sir; but not upon this question. There

are cases where you can put theoretical questions to experts and others ; but there are no experts, as I know of, on questions of whether a man has reputation for truth and veracity.

MR. BROWN. I don't ask that.

GOV. BUTLER. It is not what the man that testifies believes himself, except on condition that he knows what a man's reputation is. For instance, I might have a very strong opinion about the chairman, but whatever my opinion was, if I had never heard anybody say that he had ever done anything wrong, I should not be allowed to give my opinion.

THE CHAIRMAN. Do you press it, Mr. Brown?

MR. BROWN. Yes, sir ; I submit it is nothing but a hypothetical question, such as is put always to witnesses on cross-examination. This man is called here to testify that he never saw anything about Dr. Dixwell to indicate that he was of unsound mind ; never heard of anything. Now I put this hypothetical question : if Dr. Dixwell should say certain things — which I won't repeat — would you consider that — he has been a member of the school board and is familiar, somewhat, with their transactions — would you consider that evidence of an unsound mind ? That is what I ask.

GOV. BUTLER. There are two or three troubles about that. In the first place you assume it is true he did say it.

MR. BROWN. I put it purely as a hypothetical question, and nothing else.

GOV. BUTLER. Excuse me ; I know. Mr. Morse might be more willing to believe that the man lied that said he said so than to believe that he was untruthful.

MR. BROWN. Therefore I put it hypothetically — *if* he said so.

GOV. BUTLER. And therefore it elucidates nothing, and it don't belong to the class of questions that ever are put in this kind of cases ; never has been put, and I venture to say that the chairman never heard anything like that.

MR. BROWN. He heard it yesterday, when His Excellency asked a witness if he heard that Dixwell killed his grandmother.

GOV. BUTLER. I beg pardon ; I only follow the cross-examination — if he ever heard him accused. It was not a legal performance. Did you ever hear him accused of this, that, or the other ? I simply followed. Those questions were all illegal and all improper, and I let them run, just to show the animus of the counsel to use up my time. I wanted him to make an ex-

hibition of himself. And he made it fully ; and I got his photograph in that regard ; therefore, I didn't object.

The CHAIRMAN. Better put it on sale and see if we can't make something out of it.

Gov. BUTLER. I don't hear what you say, sir.

The CHAIRMAN. I say you had better put the photograph on sale, so that the committee can make something out of it.

Gov. BUTLER. Pardon me ; I don't make so poor a speculation as that generally ; nobody would want it. Now, then, I am upon the question here of an investigation ; whether you can put those questions. Suppose he said that the moon was made of green cheese, what would you think of him then ? Suppose he had said that the world stood still, what would you believe then ? They never were put and they never will be put anywhere else but here, and I don't think they will be here. However, I will have a vote of the committee upon it.

The CHAIRMAN. My impression is rather against it, but I am disposed to let the committee vote upon it.

[A vote was taken and the question was excluded ; one for, and two against.]

Q. Did you ever read the article in the " Boston Post " of July 2, 1881, entitled " Dixwell Exposed ? " A. Yes, sir.

Q. Then you have heard something about his character ?

Gov. BUTLER. Oh, no ; pardon me ; I object to the question. There is nothing said about his character for truth and veracity ; there is something said about his quarrels.

Mr. BROWN. I submit there was something, and if you want me to read the article I will read it, and you can see whether there is or not.

Gov. BUTLER. No, sir ; you won't read the article ; you can't get it in that way.

Mr. BROWN. If you object to it on the ground that it is not there, I think His Excellency ought to read it and see that it is not there.

Gov. BUTLER. Pardon me ; I object that there is no evidence that it is in there.

Mr. BROWN. Well, you say it is not ; I don't know whether you are playing with us.

Gov. BUTLER. No ; I say there is no evidence. The question is : then you have heard something about him.

Mr. BROWN. That is not the question. I said you have heard something about his character.

Gov. BUTLER. No, sir.

Q. (By Mr. BROWN.) Well, you did read the article? A. I did.

Q. Still you don't regard that the reading of that article affected his character for truth and veracity? A. Not the slightest, in my opinion.

Q. Because you don't believe that the "Boston Post" is a reliable sheet? A. I don't believe that that article is truthful. The "Boston Post" simply published it.

Q. Isn't there an affidavit there, signed and sworn to? A. I have not seen it for two years; so I don't remember whether there was or not.

Q. Do you know anything about the facts contained in that article? A. Not until I had read it.

Q. And then you say you investigated it, did you? A. I didn't say so, but I did investigate it; I say it now.

Q. You say it now. Were you his counsel when he was expelled from the Society for the Prevention of Cruelty to Children? A. I didn't know he was expelled, and I was not his counsel in that matter.

Q. Was not his counsel? A. In that matter.

Q. Had nothing to do with it? A. Nothing whatsoever, that I remember.

Q. How frequently have you seen him for the last two years? A. Not very often; off and on; sometimes on the street. I think I have called at his house once or twice within two years; I am not positive of but once. I don't think I have seen him more than half a dozen times in these two years.

Q. In Pemberton Square? A. In Pemberton Square.

Mr. BROWN. I believe that is all.

Re-direct examination by Gov. Butler.

Q. You know of that institution. That was the Boston Provident Institution, was it not? A. I really could not tell you, sir. I know it was some institution that had something to do with poor children.

Q. Mr. Frothingham was at the head of it, wasn't he? A. I could not answer the question.

Gov. BUTLER. All right, sir. I have got Mr. Frothingham's letter here about that, which will show whether he was expelled or not. That is all, sir.

TESTIMONY OF EUGENE A. POPE (*sworn*).*Direct examination by Gov. Butler.*

Q. How long have you lived in Boston? A. I was born in Boston, and I have lived in or near Boston all my life.

Q. How long have you known Dr. Dixwell? A. Ten years; pretty close to ten years.

Q. Known him well? A. Yes, sir.

Q. Known those other people who have known him? A. Yes, sir.

Q. Up to the time of this investigation had you ever heard anything against his character for truth and veracity? A. No, sir.

Q. Up to the time of this investigation did you ever hear or ever see anything in his conduct or ever hear any suspicion that he was a lunatic in any way? A. Not the slightest.

Q. Had dealings with him? A. I had seen him. He was first a tenant of a building I had in charge; that was my first acquaintance with him; and I have seen him, I should say, on the average for the last ten years, two or three times a year. Perhaps a year I have lived out of town I may have skipped and not seen him so often.

Gov. BUTLER. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. What have you seen about him? You say that you never noticed anything that he was a lunatic; what have you seen about him that was singular? A. Nothing.

Q. His conduct and appearance have always been that of a perfectly sound mind, — of a man that has a perfectly sound and well-balanced mind, — everything that you have seen? A. Like all other men. He had his peculiarities.

Q. He does have peculiarities? A. Certainly.

Q. What are his peculiarities? A. When he starts for a thing he generally goes right straight through it from beginning to end and does not take anything on trust.

Q. Well, that is a peculiarity, is it? A. Yes, sir.

Q. Now, mention the next that you have seen. A. I don't know that there is anything more to distinguish him from the average run.

Q. You stated he had peculiarities, and you have only stated one; now, what are the rest? let us have them. A. I don't

know as I recall anything to testify to. You make up your opinion of a man from a great many things you don't remember.

Q. Won't you state; you mentioned something more than energy, didn't you? A. That is all that I referred to.

Q. Then he hasn't any other peculiarity except that he is energetic. Is that all? A. Not that I know of.

Q. Earned his own living, didn't he? A. That I don't know.

Q. Don't know anything about it. A. I didn't have anything to do with his living. I never heard that he didn't pay his bills, so I presume he earned his living.

Q. When did he hire a building in which you had an interest? A. In 1872, I think it was, or 1873, to 1876.

Q. Where was that? A. No. 8 and No. 10 Beacon Street.

Q. Did you collect the rent? A. I think the rent was paid at the office.

Q. Do you know whether he paid it, or somebody else? A. My impression is that he always paid it.

Q. You never heard anything peculiar about the man, except as you have stated? A. No.

Q. Never consulted with his friends, his father or mother, brothers or sisters, or brothers-in-law? A. No, sir.

Q. Didn't you have any knowledge of the Hebrew affair, which has taken place since the first of January, — getting certain people up to the Tewksbury almshouse in large numbers, — which was investigated by the board of health, lunacy and charity? Didn't you have some knowledge about that? A. Only from hearsay; that is all.

Q. Have you considered that a matter which didn't affect his reputation? A. I understood that he did that as agent of the Boston Provident Society; that they applied there for aid, and he was one of their visitors, and he had to visit them and find out about them.

Q. That is the way you understood that? A. That is the way I understood that.

Q. And that is all you heard about it, is it? A. I have heard a great deal of talk.

Q. Well, that is the principal part of what you have heard of that affair, is it? A. I heard talk back and forth all the time; but as far as why he did so, that was the reason I heard.

I understand that he was employed by the Boston Provident Society ; a regular servant. These people applied, and they sent him to look after them.

Re-direct examination by Gov. Butler.

Q. You are asked if you inquired of his brothers-in-law and his sisters-in-law. As a friend of the family, and of him, did you see any occasion to make any such inquiries? A. The only time, — he was ill at his house one winter, and I inquired about his health from time to time. That was only during that sickness.

Q. I understand. That was as any other gentleman would do. What I mean to say is, did you ever have any occasion to inquire about his being sane or insane, any more than any other gentleman? A. Not the slightest.

Gov. BUTLER. That is all.

Q. (By the CHAIRMAN.) Has the witness given us his business? What is your business? A. My business is book-keeper ; in real estate business.

TESTIMONY OF EDWARD FROTHINGHAM (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Frothingham, were you ever at the head of the Boston Provident Association? A. Yes, sir.

Q. Sometimes called the Society for the Prevention of Cruelty to Children? A. Nothing to do with it.

Q. Then this is another society? A. This is on Chardon Street.

The CHAIRMAN. You will have to raise your voice, Governor.

Q. This was the society in which he was connected with you, was it? A. What are you speaking of now, sir?

Q. The Boston Provident Association. A. He was one of my visitors ; he was a visitor among the poor.

Q. How long? A. A year or two.

Q. [Producing a letter.] Was that the letter which you gave him when he left, or after he left? A. Yes, sir. I don't know whether it was the last one or not. It was after he left.

Q. At that time, when he was with you, did you hear any — know any — did you hear his character for truth and veracity

called in question at that time? A. Not at that time; no. I remember I had before. I didn't mind it, though.

Q. Well, you gave him this letter when he left, did you? A. Yes, sir.

Q. And you had a little trouble with him, a little misunderstanding, didn't you, or he with you? A. No misunderstanding at all; we had a difference.

Gov. BUTLER. [Reading.]

Office of the
Boston Provident Association,
Bureau of Charity, Chardon Street,

Boston, Feb. 17, 1883.

MY DEAR DIXWELL, —

It is a matter of deep regret to me that you and I should have felt obliged to part company.

You have been the most thorough visitor I have ever had, and I know not when or where I can ever expect to look for another like you.

For some reason which I do not quite understand you decline to receive what is your due. You are richly entitled to it. The association owes it to you, and if you can persuade yourself to take it, whatever your reasons for refusing, I shall be exceedingly obliged to you. Give it to your wife, — give it to the poor Russians, if you will; but pray *take* it.

I bear you no ill-will. Why should I? It was but a difference of opinion after all that separated us. Why should you bear *me* any ill-will? and yet your refusal to accept your salary indicates that such must be the case. And this is the reason why your refusal is a sorrow to me.

If these reasons are not sufficient to change your resolution, pray consider that it is not *I* who offer you the money. You have not been working for *me*, but you have been working for the *association*, and it is the association which would and should pay you for your services.

Believe me always your friend,

EDWARD FROTHINGHAM.

JOHN DIXWELL, M. D.

Q. Then his leaving your institution was voluntary, I suppose, on his part? A. Yes, sir.

Q. Entirely. Because you asked him to come back. And anybody that says that he was expelled from your institution lies, don't he, as far as you know? A. Do you want me to answer that question?

Q. Certainly. A. I didn't expel him. No; he was not expelled.

Gov. BUTLER. He left because he chose to, and refused for some reason to take his salary. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. Now, let us see, Mr. Frothingham; there is a society called the Society for the Prevention of Cruelty to Children, and within your knowledge Dr. Dixwell was connected with it at one time? A. I don't know anything about it; I believe he was connected with it before he came to me.

Q. Now, when was it? You say before you employed him you had heard reports respecting his reputation for truth and veracity? A. I heard that. I can't tell you when; it was ever so long ago, and I should not say positively where I heard it, but I have heard it; when, I don't know.

Q. How many times have you heard it?

Gov. BUTLER. Not once.

The WITNESS. Oh, a very few people, and I cannot say I ever heard it more than once or twice.

Q. This was some time ago? A. Yes, sir; a good while ago.

Q. It is since 1872 or thereabouts when he left the medical school; since 1872 or 1873? A. Oh, yes.

Q. Now, let us see. You employed him to visit the poor. That is, to go around and see their condition, and then he had to report, I suppose, concerning the people he visited. He did that work, as you say, thoroughly, did he? A. Very thoroughly, indeed, so far as I could see.

Q. He didn't have the disbursement of any money? A. No; but he gave material help in other things — coal and food, at his discretion.

Q. And when did he leave the employment of the society? A. When did he begin to be employed?

Q. No; when did he leave? A. About the date of the letter; I cannot answer it exactly.

Q. Sometime before February 17, 1883? A. About the 15th of February, I believe; whenever the month had expired.

Q. When did he enter the employ of the society? A. He was visitor for me about a year and a half.

Q. Now, what was this difference that you had? A. He didn't obey orders; he was queer.

Q. He was what? Queer? A. Yes, sir.

Q. Wherein was he queer? A. Well, Dr. Dixwell was a man who if he got interested in a case of poor was carried away by it; he seemed to lose his sagacity in a measure.

Q. Seemed to lose his balance, did he? A. Well, I lost my faith in what he could do for the poor people in whom he was interested. I had no reliance on him. I lost my faith in him.

Q. How frequently did he lose his judgment? A. A good many times.

Q. Very often? A. Yes, sir; very often. Well, in the first part, I will say that all this trouble arose in the month or two months before he left.

Q. Well, after he lost his judgment there was not that use for him so far as your society was concerned? A. He plagued me a good deal.

Q. Well, did your society have anything to do with some Russian Jews that Dixwell was connected with in some way since the first of January? A. It did.

Q. Tell us the story about the Russian Jews? A. The paper will come out to-morrow that will tell you about that.

Q. Give us a summary? A. Well, the Russian Jews were a lot of people calling themselves exiles. They came to Boston, and they came down upon us as an association, as they did upon other people, for help. They are out of sympathy with a great many people; they were out of sympathy to such an extent that Dr. Dixwell was quite carried away by his sympathy. No fault to find with him in that, except that he overstepped the bounds which I had set for him as a visitor.

Q. Now, what did he do? A. Well, he was careless and treacherous to the last degree. He would believe all that these people told him. I told him he was being deceived, and in spite of that he would go on and help them all the time.

Q. He was deceived. Never mind how, but he allowed himself to be deceived as you thought he ought not to be? A. I told him so, but he would not take any heed of what I said. I could not control him at all.

Q. Didn't you have a little suspicion about the soundness of his mind? A. Yes, sir; I did, decidedly; and I have got it now.

Q. And you talked with friends, didn't you? A. Very few people; nobody to talk with.

Q. But you did talk with some about Dixwell, as to the soundness of his mind? A. Very likely.

Q. And you learned from others that there was a suspicion about his soundness of mind? A. Well, they agreed with me in a measure; I don't mean to say that they did wholly.

Q. Whom did you talk with? A. Well, I talked with people who had to do with him in the same way I had, with these Russians.

Q. Give us the names? A. Mr. Hecht, president of the Hebrew benevolent society, always spoke kindly about the doctor, but said he thought he was wanting there. [Indicating his forehead.]

Q. Wanting here? Putting his finger on his forehead? A. I suppose that is what he meant.

Q. When he said he was wanting here he put his finger on his forehead? A. I think he did; I cannot swear to it.

Q. What other person did you consult? A. I cannot recall; I rarely spoke to anybody about Dr. Dixwell, who was not concerned about these Russians. Mr. Hecht and I were always a good deal together about these Russian Jews.

Q. Did the Russian Jews go to Tewksbury? A. A good many of them did.

Q. Were you brought in contact with the board of health, lunacy and charity on the subject of the treatment of the Russian Jews? A. Not directly at all; hardly intimate.

Q. Did you ever have any conversation with Dixwell about any action of the board of health, lunacy and charity in regard to the Russian Jews? A. Yes; we did.

Q. What did he say? A. What did who say?

Q. Dixwell. A. Well, he thought the society that you speak of made a mistake in bringing these people back from Tewksbury, after he, Dixwell, thought he had got them there. I didn't agree with him myself.

Q. When did you first notice so as to come to any other different judgment upon that subject? When did you first notice that Dixwell had something the matter with his head? A. It was the manner in which he spoke about these Jews. I thought a person with his intelligence and his education could not really believe what he said he believed to be true without being in some way, as I say, a little queer. Nobody agreed with him that I can find.

Gov. BUTLER He didn't care for that.

Q. What did he say to raise your suspicion as to the soundness of his mind? A. It was not what he said: it was what he did.

Q. What did he do? A. He would always be going to these Russians, or sending these people whom he called interpreters. He could not speak Russian any better than I could, but he would send interpreters, and through these interpreters would help these people without my knowledge, and afterwards against my consent. I told him that these interpreters, I believed, were not reliable people, and I objected, very seriously, to his sending such people as these to do my work. I protested against it, and he still continued it. He spoke about his interpreters as though he had a score, but he only had two; and everything was exaggerated.

Q. Everything was exaggerated? A. About these Jews — to my mind.

Q. (By Gov. BUTLER.) He was carried away by his sympathy? A. I supposed he was.

Q. (By Mr. BROWN.) You became satisfied, Mr. Frothingham, that there was something the matter with one of the two heads, either yours or his? A. I was quite satisfied about that.

Mr. BROWN. And you gave him the benefit of the doubt.

Re-direct examination by Gov. Butler.

Q. Now, Mr. Frothingham, I am very glad that we shall get the story of these Russian Jews. Did he tell you that he had complained to me about them? A. Did Dr. Dixwell tell me that you complained, sir?

Q. And that I ordered the board of health, lunacy and charity to investigate? A. Somebody did, but I don't think it was Dixwell.

Q. What? A. Somebody did, but I don't think it was Dixwell.

Q. Now, then, this was the story of these Jews: there was a lot of Russian Jews, men, women and children, who could not speak a word of English, brought over here, and landed entirely destitute? A. Not entirely so: some were and some were not. Dixwell thought they all were.

Q. And his sympathy for them was aroused, and he tried to get them sent to Tewksbury, and taken care of until they could be sent back? A. That is it.

Q. And he did everything he could, to do that, didn't he?
A. He did.

Q. And used all the means that he had at command, and did more than you thought he ought to do —? A. Not in respect to that, sir; nothing to do with that at all; nothing to do with the Tewksbury business at all, I hadn't.

Q. He did more to get them to Tewksbury than you thought he ought to? A. No; it was after they came back that the trouble began.

Q. And he got them to Tewksbury. Very well. Then, afterwards they were sent away from Tewksbury? There was some hundred of them, was there not? A. Some fifty or sixty, I believe.

Q. Afterwards they were sent back from Tewksbury, with nobody to take care of them, and he thought that was wrong, didn't he? A. He did.

Q. And he did everything he could to protect these poor people? A. Not all poor.

Q. What? A. They were not poor, all of them.

Q. How do you know that? A. Well, they found money on them.

Q. What? A. They found money about them.

Q. On some of them? A. Yes, sir.

Q. The poor ones were the ones he was after, were they not? A. Those he thought poor.

Q. And he got interpreters, so that he could communicate with them, and find out what they wanted, and what could be done for them? A. That is it.

Q. And find out their story. And he learned that they had been cheated, and brought over here by promises that each man should have a farm when he got here? That is what he thought he learned? A. Something of that sort, I think.

Q. And he was very much moved for them? A. Very much.

Q. He was very much concerned for them? A. His sympathies were aroused, or seemed to be.

Q. And he wanted to arouse yours, didn't he? A. Very likely.

Q. Well, was it not so? But he didn't arouse yours very much? A. Why not? [Applause.]

Q. I don't know why not; I only asked the fact.

The CHAIRMAN. We must not waste any time in applause.

Q. Why not? A. Do you want me to answer why not?

Q. No; I don't care about that; because every man has a right to his own opinion. But whether he did or did not arouse yours, he went ahead and did what he could for them, didn't he? More that you thought was right? A. Yes, sir.

Q. And that was the difference between you, and on account of that difference he left your institution, didn't he? A. He would not have left but for those Russian Jews.

Q. I say it was on account of that difference? That is the difference you speak of. A. No, not the only thing; because he did things offensive to me besides. I didn't care about the difference of opinion, but he disobeyed my orders.

Q. About the Russian Jews? Your orders about the Russian Jews? A. Yes, sir; about the Russian Jews.

Q. And you thought he was not quite sound in his mind? A. He didn't seem so to me.

Q. And he left on the fifteenth? A. I think he did.

Q. And on the seventeenth you wrote this letter? A. Wait a moment; that might have been the previous month.

Q. Well, he left fifteen days before? A. The month before.

Q. And yet, on the seventeenth you wanted this crazy man to come back, and you say he was the best man you ever had? A. I didn't want him to come back. It don't say so there.

Q. Why not? -- And I know not when or where I can ever expect to look for another like you."

MR. BROWN. He meant another crazy man.

THE WITNESS. I should qualify that.

Q. Pardon me; I don't know what you will do now; I want to know what you did then? A. I can explain that easy enough if you will give me time.

Q. You were in sound mind when you wrote this, weren't you? Didn't you mean to write him the truth? A. I didn't write him the whole truth; no.

Q. Why not? A. Because it was not well for me to do so. That note was written when I was in great sympathy with Dr. Dixwell, and I wanted him to take the money. The doctor was a personal friend, the society owed him the money, and I wrote that letter for him to take the money, and I didn't want to make it harsh.

Q. I know. But you made it highly complimentary. You

say he was a good visitor and did his work thoroughly? A. I say so now; the best I ever had.

Q. And had been for how many years? A. One or two.

Q. And had been for two years? A. A year and a half; he was only under pay three months; he was a volunteer before that.

Q. And did his duty out of sympathy with the poor? That was a peculiarity with him, was it? A. What?

Q. Volunteering to do work for the poor? A. All my visitors do — most of them. I wanted two or three out of sympathy for the others.

Q. Well, he was not peculiar in that respect. I am content to have it that way if you want it. Well, it is evident he didn't work for pay, because he would not take the pay that was due him. And you asked him to take it, and he would not? A. Yes, he did take it afterwards; he took it.

Gov. BUTLER. Then he acted very like a sane man in taking his pay. That is all. I won't trouble you any further. Very much obliged to you. I have got nothing since I began this investigation but swindlers and cheats, and it turns out that he was swindling himself to take care of the Jews. A d—d lying rascal!

TESTIMONY OF CHARLES J. MAYNARD (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Maynard, you live in Boston? A. Yes, sir.

Q. How many years? A. I have lived here now a short time, something like a year and a half or two years.

Q. Where did you live? A. I lived in Newton before that.

Q. How long have you known Dr. Dixwell? A. I have known him about a year and a half.

Q. Known him very well? A. I have known him intimately during that time.

Q. Up to the time this investigation took place had you ever any suspicion that he was a lunatic? A. Not the slightest, sir.

Q. He always appeared to you to be a clear minded man, didn't he? A. Perfectly.

Q. Did you ever hear his character for truth and veracity questioned before this investigation began? A. No, sir; not before this investigation.

Cross-examination by Mr. Brown.

Q. How long have you lived in Newton? A. I was born there.

Q. What is your business? A. I am a dealer in specimens of natural history.

Q. Where? A. At No. 9 Pemberton Square.

Q. That is where Dixwell's office is? A. Dixwell's office is opposite, — No. 2, I think.

Q. When did you say you first got acquainted with him? A. I was over on Winter Street a year and a half ago, and he came in there. He came in to buy a specimen of a rare sponge for his nephew, who was in New York. He visited me quite frequently.

Q. He used to visit to look over your curiosities? A. He was an enthusiastic scientist.

Q. Now, have you ever had any dealings with him except in the matters referred to? A. In a business way?

Q. Yes. A. No, sir.

Q. How frequently have you seen him during the last year and a half? A. During the last year and a half four or five times a week, sometimes every day.

Q. Where is he now? A. He is living, I think, on West Cedar Street.

Q. When did you last see him? A. Well, since he left Pemberton Square.

Q. When was that? A. Possibly a month ago, or something like that. I don't exactly remember.

Q. Have you seen him since the first day of May? A. Oh, yes, sir.

Q. Where? A. In my store, in the square.

Q. Sure about it? A. Yes, sir.

Q. Have you seen him since the first day of June? A. I don't think I have seen him since the first day of June.

Q. Do you know the reason why? A. No, sir; I supposed possibly he might be troubled about this investigation.

Q. Do you know anything about it? A. No; I don't know anything about it. I only supposed.

Q. You need not give us suppositions, because we can all supply those. We can suppose he is somewhere under treatment. You know he is somewhere where he has not had an

opportunity of visiting you for a month or more? A. I don't know that. I would not say that he had not had opportunity.

Q. Well, the disposition? A. He certainly has not been there.

Q. You never noticed anything in him, you say, that indicated that he was of unsound mind? A. No, sir; not the slightest.

Q. Do you know any of his friends? A. I know his sister and his brother-in-law slightly.

Q. Which brother-in-law? A. Mr. Miller.

Q. Ever have any conversation with him about his health or the condition of his mind? A. No, sir; never had any reason to.

Q. How long have you been in the natural history business? A. Ever since I was twenty-one.

Mr. BROWN. That is all.

TESTIMONY OF EDWARD HAMILTON (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Hamilton, how long have you lived in Boston? A. Since 1836, excepting five years when I lived in New York.

Q. How long have you known Dr. Dixwell? A. About seven years.

Q. Have you known his family? A. I have known his wife about three years, I think.

Q. How long have known him? A. I have known them quite intimately for the last three years.

Q. Do you know whether he has had sickness within a few months or a few weeks? A. I know his general health has been poor for a long time, and that he has been sick, confined to his bed by illness part of the time since the hearing — when he was here.

Q. Do you know whether he has gone away for his health? A. I am so informed, sir. His house is closed, and I am informed —

Mr. BROWN. Well, I submit —

The WITNESS. He is not at home.

Q. Did you go to see him while he was sick? A. I did, sir.

Q. During these years have you known people that have known him? A. Yes, sir.

Q. Up to the time he was attacked here, in this investigation,

did you ever hear his character for truth and veracity questioned?

A. I never did, sir.

Q. Up to the time he was attacked here, in this investigation, did you ever suspect that he was a lunatic, or insane? A. No, sir; I never had any such suspicion whatever.

Q. Ever heard anything on that subject that led you to such a conclusion? A. No, sir.

Q. Have you seen him and talked with him when he has been on the bed of sickness since? A. I have talked with him. He was not then in bed, but in an easy chair; he was looking very feeble.

Q. In feeble health? A. Yes, sir.

Q. See any wandering of mind, or anything? A. Not at all, sir.

Gov. BUTLER. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. Where does he live? A. He lives on West Cedar Street, sir.

Q. In Boston? A. Yes, sir.

Q. Where did he live when you got acquainted with him? A. He lived in Pemberton Square, near the police headquarters.

Q. (By Gov. BUTLER.) A single question I want to ask, and I guess you know it. Is he a very enthusiastic anatomist? A. Yes, sir; his room, his sitting-room, is filled with animals prepared, which he has dissected and put together anatomically. All sorts of birds and beasts, almost. He is an enthusiast in anatomy.

Q. (By Mr. BROWN.) You say you got acquainted with his wife three years ago. How long has he been married? A. I cannot say, sir; I don't know.

Q. What brought you in contact with Dr. Dixwell? A. What first brought us in contact?

Q. Yes. A. I cannot tell you.

Q. Did you know his father and mother? A. I did not. I knew some of his uncles, the Bowditches. I knew Dr. Bowditch very well. I think he is very much like him.

Q. You say his room was filled with all sorts of specimens. Did he ever tell you that he shot all those animals himself? A. No, sir.

Q. Did he tell you where he got them? A. No, sir.

Q. Never said anything about it? A. No, sir.

Q. So that you didn't have any information from him where they came from? A. I didn't; only that he had prepared them.

Q. Well, now, what did you ever see about him that was peculiar? A. I saw his family traits. The traits of all the Bowditches are developed very strongly in Dr. Dixwell. First, their honesty and fearlessness. I think that Dr. Dixwell is one of the few men who dare to tell the truth always, on all subjects, anywhere. I think that is a family trait of the Bowditch family, and I think it is very fully developed in Dr. Dixwell.

Q. Now, what other peculiarity did you notice? A. I don't know any other peculiarity, sir; except, as I say, the family traits are developed in Dr. Dixwell. He is an earnest, plain-spoken man; fearless, entirely fearless, when he feels a thing to be right.

Q. What did he ever tell you that indicated to your mind that he was a truth-telling person, and was fearless? A. Because —

Q. No; I want to know what he told you that gave you that impression at any time. A. Well, sir, he has talked with me frequently in relation to the policy of the state board of charities, which applies to the almshouse and the public institutions of this State, and he has told me his opinion on that subject; and I believed it was strictly true — that it was a policy of wickedness.

Q. Wait a moment. He gave you his opinion, and you believed his opinion was correct? A. Yes, sir.

Q. I suppose because you had the facts by which you established the correctness of that opinion? A. Yes, sir; I think so.

Q. Now, you say that he told you that the policy of the state board of charities was one of wickedness? A. Yes, sir.

Q. Well, what were the facts that you had in your mind to show that? A. Well, in the policy —

Q. I don't ask you the policy.

Gov. BUTLER. Pardon me; he is telling you the facts.

Mr. BROWN. I don't want the policy, I want facts.

The WITNESS. Well, sir, the fact that up to 1879 the state board of charities had a law on the statute book by which a person applying to be a pauper, applying for aid, state aid, took the first step to the state prison; and they were sent to

the state almshouse and were taken by the agent of the state board of charities before a justice of the peace, and were committed to the state prison for two years, at least in many instances. I can show in one year nearly one hundred people sent to the state prison by a justice of the peace from the Tewksbury almshouse under the state board of charities; and it is in their report. Such things I say are wicked.

Q. What report is it in? A. I can find it; I think it is in the report of 1878.

Q. But you say the law was passed in 1879?

Gov. BUTLER. No; up to 1879.

The WITNESS. I said previous to 1879.

Q. By the state prison you mean the state workhouse, I suppose? A. I refer you exactly to the report.

Mr. BROWN. Wait one moment. Let us see. Let us get at the facts..

Gov. BUTLER. He is getting at the facts.

Q. You say that prior to 1879 this law was on the statute book, do you? A. Yes, sir.

Q. And the state board of health, lunacy and charity is responsible — were responsible? A. No, sir; the state board of charities; that was the name then.

Q. That was prior to this time. That is not in existence now? A. That is what I was talking about.

Gov. BUTLER. The same men are in existence in the state board of health, lunacy and charity, some of them: there are not so many as there were last January.

The WITNESS. Pages 11 and 12 of the report of 1878. [Referring to a pamphlet, and reading.]

“If you will please turn to pages eleven and twelve of this gilded report of the board of state charities, under the head of ‘Trials at the State Almshouse,’ you will find that of the one hundred and seventy who went to this state charity home, and who were brought into the august presence of this most righteous judge, sixty-two males and thirty-one females plead not guilty, and forty-four males and thirty-three females plead guilty; and ninety-seven males and sixty-two females were convicted — one hundred and fifty-nine of them — and nine males and two females were ‘continued,’ whatever that term may mean.”

Q. What are you reading from? A. I am reading from some

remarks that I made to the committee on public charitable institutions in 1879, which were printed.

Q. (By Gov. BUTLER.) When the law was repealed? A. That law was repealed, I think, on the strength of what I say in this speech, which was printed.

Gov. BUTLER. Put in the whole document.

Q. (By Mr. BROWN.) Now, where do you find that those men were sent to state prison? A. I didn't say men; I said persons.

Q. Where do you find that any one of those persons went to state prison? A. I will show you in the report. They went to the women's prison. Sixty-two males and thirty-one females plead not guilty, and forty-four males and thirty-three females plead guilty. If you will take your report you will find how many went to state prison.

Q. Where is the state prison that you refer to? A. At Sherborn, I think, is the location of the women's state prison.

Q. So you think that is a state prison? A. For women; yes, sir. I understand it so.

Q. Is it named anywhere in the statute book as the state prison? A. Prison for women.

Q. State prison? A. It is a state institution.

Q. Is it there named as the state prison? A. Yes, sir; I suppose so.

Q. Did you ever look it up to see whether it was named the state prison? A. Yes, sir; it is named prison for women.

Q. Is it named state prison for women?

Mr. MELLE. I think we are consuming time unnecessarily.

The WITNESS. It is a state institution.

Gov. BUTLER. It is a state prison. It is not the state prison at Concord; and it is not the state prison — when there was one — at Bridgewater. There is one for women and one for men. You and I know perfectly well where it is.

Q. (By Mr. BROWN.) You understand that is simply a reformatory institution, don't you? A. I don't; never understood it was such.

Q. Never knew anything about it at all? A. Yes; I think I did.

Q. You never so understood it? A. No.

Q. Well, you have a little feeling against this board, haven't you, Mr. Hamilton? A. No further than their policy. I am opposed to their policy. I have no personal feeling against the

board otherwise than their policy. I have been opposed to that, sir, ever since it was started.

Q. Well, we will leave that. You visited Dr. Dixwell when he was sick recently. When was it? A. Well, I could not give you definitely the time: I think within two months.

Q. Have you seen him since the first of June? A. I think I have; yes, sir. I am quite sure I have since the first of June.

Q. Where? A. At his house, West Cedar Street.

Q. When was it? A. I think since the first of June.

Q. You cannot give the date any more definitely? A. No, sir.

Q. Did you have conversation with him? A. I did.

Q. Well, now, did you notice any peculiarities on that occasion? A. Nothing; no, sir. I saw no peculiarities at all.

Q. Didn't see any? A. No, sir; nothing more than you always see in each individual. Each man is an individual, himself, and has his peculiarities. Dr. Dixwell has his, and you have yours.

Q. Have you inquired of members of the family since this investigation commenced in regard to the condition of his mind? A. I have not; no, sir. I have had no occasion to.

Q. Well, you didn't consider that his being charged with being of unsound mind by competent physicians was any reason?

Gov. BUTLER. Pardon me; I deny the competency.

Mr. BROWN. I know you deny. They were graduates of Harvard College, and degrees from Harvard College are not —

Gov. BUTLER. Precisely so. I was present when one of them was hanged.

The WITNESS. Do you wish me to answer that?

Mr. BROWN. Yes.

The WITNESS. Ask it once more, please.

Mr. BROWN. I asked you — The stenographer will read it to you.

[The stenographer read the question.]

The WITNESS. I did not consider it any reason, if he was decided to be so.

Q. My question was this: You heard, didn't you, that he had been charged by several physicians with being of unsound mind? Didn't you ever hear of that? A. I might. I have read the testimony in this case.

Q. Now, that didn't put you upon your inquiry in regard to Dixwell's mind among his friends? A. No, sir; it did not.

Q. Didn't affect you in any way? A. No, sir.

Q. Not in the slightest? A. No, sir; because I knew him so well.

Q. Ever since you had known him he had always been the same? A. I saw no change in Dr. Dixwell, except as I say, his health is not so good as it was.

Q. And you never heard his reputation for truth and veracity questioned except during this investigation? A. No, sir; I don't think I ever did.

Q. And since you heard it in this investigation that did not put you upon your inquiry among his friends? A. Well, it would make no difference.

Q. Of course. I know your mind is fixed, but I want to know simply if you have made any inquiry since; that is all. A. I have asked some people, friends, if they thought he was of unsound mind, — I mean a man of truth and veracity; if they ever heard any such thing. I was very much surprised that anybody should make that statement, and I have asked a few friends of Dr. Dixwell if they had ever heard any such thing.

Q. Whom did you ask? A. Well, I asked Mr. Godfrey Morse for one.

Q. He said he hadn't? A. He said he never had.

Q. Who else did you ask? A. I asked Mr. Maynard.

Q. He has been here? A. Yes, sir.

Q. He said he hadn't. Who else did you ask? A. I asked Mr. —

Q. Mr. Pope? A. No, sir; I didn't ask Mr. Pope.

Q. Who else? A. I asked Mr. Taft, a friend of mine in Pemberton Square, talking about Dr. Dixwell, if he had ever heard such a thing, and he said he had not.

Q. Who else? A. I don't remember that I have talked with anybody else about that.

Q. Now, you didn't go to any of his friends or relatives? A. I didn't go to anybody purposely to find out.

Q. When you found out that Mr. Maynard and the other gentlemen whom you have named never heard anything of the kind you gave their names so they could be called here as witnesses, didn't you? A. No, sir; I did not.

Q. Did not? A. No, sir.

Q. Didn't tell anybody what you had done? A. No, sir.

Q. Sure about that? A. Yes, sir.

Q. Now, you are well acquainted with the Bowditches? A. I would not say I was well acquainted; I know some of them.

Q. Why didn't you go to them and ask them? A. I saw no occasion to. I had no reason to believe that Dr. Dixwell was anything but a truthful person.

Q. When did you first know you were coming here to testify? A.- This morning.

Q. How did you know that? A. I got a summons.

Q. Did you know you were to testify in regard to Dr. Dixwell? A. Sir?

Q. Did you know this morning that you were coming here to testify in regard to Dr. Dixwell's reputation for truth and veracity? A. No, sir; I was asked to bring anything I had in relation to Tewksbury, and that is all I know about it.

Q. And no intimation was given to you that you were to testify in regard to Dr. Dixwell's reputation for truth and veracity? A. No, sir.

Q. (By Gov. BUTLER.) Let me ask you another thing I know you are well acquainted with, and it leads up to another matter. Did you see Mr. Phillips—Wendell Phillips? A. No, sir; I have never seen him.

Q. Well, Dr. Bowditch, his uncle,—you say he had all the traits of the Bowditch family,—he was for a great many years a leading abolitionist, of the Garrison style? A. I think Mr. William I. was.

Mr. BROWN. I pray the judgment of the committee, whether we are to go into the history of abolitionism.

Gov. BUTLER. Pardon me; I want to know what the traits were.

Mr. BROWN. The traits of Bowditch?

Gov. BUTLER. Which he has acquired. Exactly. I want to show that it has for many years been a trait of the family to go for the poor and the helpless.

Mr. BROWN. I submit that is not competent.

Gov. BUTLER. It is competent in the light of your cross-examination. It was not competent for me to put it in, and I didn't attempt to put it in.

Mr. BROWN. I have no objection to your asking anything about Dr. Dixwell's traits as an abolitionist, but I don't think the peculiarities of Dr. Bowditch are to come in here.

Gov. BUTLER. Pardon me; you took the evidence that he inherited the traits of the Bowditch family.

Mr. BROWN. I asked him a question, and he said in answer that he inherited the qualities of the Bowditch family.

Gov. BUTLER. We all know what they were, I suppose; what they used to be in the olden time. That is all.

The CHAIRMAN. Wait a moment, Mr. Hamilton.

Q. (By Mr. CHAMBERLAIN.) A single question. I don't quite understand what is meant by the sentencing of men and women from Tewksbury. I understand the witness that women were sentenced to the reformatory institution at Sherborn. Now I want to know if he means by the State prison that the men were sent to the workhouse at Bridgewater. A. As I understand it, the men were sent to the State workhouse at Bridgewater and the women to the prison at Sherborn.

Gov. BUTLER. And I want to call the attention of the committee to the fact that it is called in the statutes the prison for women.

Mr. BROWN. But not the State prison.

Gov. BUTLER. And the State prison for women, too.

Mr. BROWN. Where? Let us see it.

Gov. BUTLER. State reformatory prison for women. It is not a county institution and it is not a charitable one. It is a prison where there is a woman there, now, for ten years; she won't be there for a great while though. Page 1246, I think it is, sir.

TESTIMONY OF JOHN B. BURNS (*recalled*).

Direct examination by Gov. Butler (resumed).

Q. [Producing a bundle.] This is the one you brought this morning, and I have sent down for the other. [Bundle opened and braided mat or rug produced.] Mr. Burns, where did this rug come from?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. I propose to prove a contradiction of Mr. Marsh. He says that this rug, that his wife — he said he would tell you what she did with the clothing of the inmates. She tore them up and made rugs of them. I said: For the institution? Yes. I now propose to show that she made rugs of them and sold them; and that is where the inmates' clothing went to. Shall I be allowed?

THE CHAIRMAN. Do you propose, Governor, to identify that rug as made of inmates' clothing?

Gov. BUTLER. Oh, certainly. I have got the man here that bought it, and saw them made. I am thoroughly posted here. Got another one since that.

Mr. MELLEN. I move that the evidence be admitted.

Gov. BUTLER. Not only that, but when she went she packed them up — when she went out she took all the rugs that had been made — there was some good number of them — and took them all away but two not worth taking away.

Mr. BROWN. I submit that this witness not only cannot testify that question unless he testifies to that which is false; but admitting that he could, it is something entirely new. This witness was there within his reach, accessible to him all the time; and an officer of the institution, part of the time, at least.

Gov. BUTLER. All the time.

Mr. BROWN. And had every bit of the information then that he has now.

Gov. BUTLER. No.

Mr. BROWN. And if I am not misinformed, the State detective had an interview with him some time ago, upon this very subject, at the almshouse; a long time before His Excellency closed his case.

Gov. BUTLER. I don't know but he did. But if your information is like the other misinformation you have had —

Mr. BROWN. Well, I generally hit it pretty nearly right. Now, in the first place, how is it possible for this man to know what this is made from: whether from inmates' clothes or somebody's else, unless he saw it made, and saw the different pieces dyed — for evidently they are dyed.

Gov. BUTLER. Oh, no; oh, no; what a mistake that is. They made them of different colored clothes. Don't you understand?

Mr. BROWN. Undoubtedly they made them of different colored clothes, because they appear to be of different colors. Anybody can see that with half an eye.

Gov. BUTLER. The dyeing is what I am talking about.

Mr. BROWN. I submit it is all new matter, which cannot be gone into, and ought not to be gone into.

Gov. BUTLER. I charged the old lady Marsh with using up the inmates' clothing for her own purposes, and supplying her family in various ways with the underclothing, as I proved;

with the dresses, as I have proven; for she has not contradicted it, nor anybody else. They thereupon bring old Mr. Marsh, and when I ask him about the inmates' clothes, he says that she has made them up in rugs for the use of the institution.

Mr. BROWN. I should like to know where you find that.

Gov. BUTLER. You heard it, gentlemen. Now, then, I have got a specimen of the rugs here: I have got the man that helped make them; who knows how they are made and when they were made and where they were made, dozens of them, and then he bundled them up and sent them away to Exeter. Now, of course, this is new matter. It would not have been new matter if somebody hadn't lied about it before; that is, it is new matter contradictory to the theory of the defence, to their statements that the State property has not been embezzled. One or two of these rugs,—she made as many as she chose, I agree, for Tewksbury, for the use of the almshouse,—but she had no right to make them and send them away; and if people will steal old clothes, what will they do when they have plenty of money to steal? That is the argument, and a sound one, too. A legal one, too. One I proceeded on this morning. If Charles Marsh will take out three of the dead and absconded inmates' accounts with acid and substitute something else, I don't want to go through a thousand entries on the book with acid or otherwise. That is what I propose to prove, and, if the committee will allow testimony to go in which tends to show the state of the institution, I will prove it. If they won't, they will say so, eight to seven, for aught I know.

Mr. BROWN. Mr. Chairman —

The **CHAIRMAN.** That is the old insult, which I resent, for one.

Mr. BROWN. His Excellency did charge these people with stealing clothes, I will admit; but nobody but he ever charged it. He never produced any evidence nor offered any proof. Now, let us see where we are. He undertook, by Mrs. Pope and Mrs. Thomas, and by one other witness whose name I don't recall,—they were only three in number,—to show that Mrs. Marsh had been into the baggage-room where the inmates' clothing was kept, and had been ransacking the bundles, looking them over. Mrs. Pope testified that she had taken out a silk dress and that Etta Davis subsequently was seen with a silk dress on of the same material, the same color. She told

what the color was, Mrs. Pope did. We called two or three persons who had had charge of that baggage-room to show that Mrs. Marsh, while she may have been in there, never had the key, never kept the key, never had access to that room where that clothing was, and, as a matter of fact, had never taken any from there.

GOV. BUTLER. You see, I don't believe all that, and I am going to try to prove to the contrary.

MR. BROWN. I have no doubt you don't believe it. Not only hadn't been there and hadn't taken the clothes, but then I go further, and show that there never had been, during a series of years, but three silk dresses in the institution, two of which I produced, the other being a black or brown dress, and neither anything like the dress that Etta Davis was charged with having worn, with having made over for her. Now that is where the evidence on this matter stops. His Excellency said so much about stealing; was willing to charge that everybody who had anything to do with this institution was stealing; so prodigal with his charges that everybody had stolen something; that, fearing he might say that I hadn't met the charge, I not only produced witnesses to meet this specific thing charged, upon which there had been some testimony tending to show it, but I proved generally that nothing of the kind had been done. Now, this is what? This is something which should have been offered in chief; it is something which, perhaps, this man is willing to testify to now that he has been discharged from this institution.

GOV. BUTLER. He has not been discharged.

MR. BROWN. Or that he has left it since this investigation commenced.

GOV. BUTLER. Why slander him?

MR. BROWN. But never anything heard about it before; it meets nothing I have put in. If His Excellency wants to show that the Locke woman testified to that which was false, when she said that old Mrs. Marsh never had a key to that room, that is competent, that is in rebuttal. Or, if he wants to show that the other lady, whose name I don't now recall, who had charge of that room, testified to that which was false, when she said that Mrs. Marsh didn't have access to that room, that is, perhaps, in rebuttal. But this is not rebuttal. This is entirely and absolutely new matter, as absolutely and completely new as it would be to undertake to investigate here the institution at Bridgewater, and the management there; just as completely.

All I can say is, that if the committee see fit to let this in, I shall only ask for more time.

Gov. BUTLER. I am to be threatened with that every day, I suppose.

Mr. BROWN. Oh, it is not a threat, and nobody who had a desire to let me have a fair chance would ever say it was a threat.

Mr. MURPHY. Didn't I understand Mr. Brown to say that he would not require any time to answer any evidence that had been put in so far, and what does he mean by saying he will require more time in this case, if this evidence is admitted.

Mr. BROWN. I suppose if I require any time it is more than no time. I did say, not as you say, but I did say that, in my judgment, I should not undertake to reply to anything which His Excellency offered this morning, because it didn't cover anything, that was material.

Mr. MURPHY. Then, I think the proper language for him to use is not "more time," but that he would want time to answer this.

Mr. BROWN. If I had decided, as I have not, that I should not want any time to meet the other, it is proper for me to say "more time."

Mr. MURPHY. I understood you distinctly to say you would not want time to meet the other.

Mr. BROWN. I beg your pardon; I said I thought likely I should not require any time, and I think so now. I am willing to give His Excellency all the time —

The CHAIRMAN. The question is, shall it be admitted?

Gov. BUTLER. One word more, please. There has been a mis-statement of the evidence to you, just now, from beginning to end. I proved first, on my side, that they took clothing out, and they took boxes of goods out. I then proved that there was a second-hand clothing woman went down there and bought dresses.

Mr. BROWN. She said it was the Marshes' personal clothing. That is what your own witness says.

Gov. BUTLER. That is what she says they told her.

Mr. BROWN. She says she saw the same clothes, dresses, worn by the ladies when she went to the institution.

Gov. BUTLER. Do you suppose they stripped themselves and went around in their chemises while they were selling their old

clothes? I hope not; what is the use of making a fool of yourself.

MR. BROWN. I would stop it if you don't think there is any use in it.

GOV. BUTLER. Not only that, but they were brought by the trunkful down to Reading, and she went there and she had as much as she could lug off. I proved by two witnesses that the old woman went down there and went upstairs with bundles of clothing on her arm; I proved in cross-examination of their witnesses, that she employed the sewing-girls in the sewing-room, when they were so short of help that they could not wash the clothing on the infants and dry it, and the shirts of the boys at college, — that she employed the girls up there ripping to pieces the clothes and making these mats. Very well. I would have been content to have stopped there; but they come in on their side and they brought that little whippersnapper school-girl here, the matron, Miss Locke, — so young that she would not tell her age; the first instance I ever knew of a lady who was so young she would not tell her age, I have known some older that would not, — and another woman to testify. And they are to be believed, and you are to rule out my testimony in contradiction, because they are to be believed! That is the proposition we have come to now. Well, then, you never need put in any rebutting testimony, if a reason for not putting it in is because these women swore to it. Why, he says, one of these women had the key, and she says she didn't see Mrs. Marsh take out any clothing. I don't, simply, believe that; because the other witnesses swore the other way, that she did. Let us test it. I have my horse in the barn; the key is in the hands of my hostler, my coachman, and I find my horse in the hands of somebody else. Can he put in evidence that he has not stolen my horse, because my coachman had the key the whole time? Suppose the coachman says: "I had the key the whole time, and this man never went in to my knowledge?" But my horse is outside and in the hands of a thief. Is that any evidence? So, I have got this clothing outside. No matter who held the key. They didn't keep it so secure but what things went out. If there is anything to be let in, this is to be let in; if there isn't anything, say so; you have got the majority.

THE CHAIRMAN. I don't like that allusion of yours, Governor, constantly, to the majority.

Gov. BUTLER. Pardon me ; it is what I experience constantly, and, therefore, —

The CHAIRMAN. You didn't experience it yesterday when one of your friends voted the other way.

Gov. BUTLER. I have heard a good deal about that vote.

The CHAIRMAN. And you didn't once before ; and I don't like —

Gov. BUTLER. Good heavens ; let us see —

The CHAIRMAN. I don't like your constant reference to the majority and minority upon this committee.

Gov. BUTLER. I think I have a right to make it. You can find two cases where one of my friends voted with you, after four months of the investigation.

The CHAIRMAN. That is true, only two ; and I think it is very remarkable that the other side have stood so.

Gov. BUTLER. Just as much more remarkable on your side as six is more than one.

The CHAIRMAN. When the other side has been split up on almost everything, I don't think it is good taste for you to talk about the "majority" of the committee.

Gov. BUTLER. Of those who have split up, I beg their pardon.

Mr. MURPHY. The other side has always been split up one way, as a general thing.

The CHAIRMAN. The record will show.

[The question was rejected by a vote of 4 to 4.]

Gov. BUTLER. That is exactly in the proportion of 8 to 7.

The CHAIRMAN. You will have the last word, like a school-boy.

Mr. BROWN. You are a good mathematician ; 4 to 4 the same as 8 to 7. You are like the man who didn't take any account of fractions.

Gov. BUTLER. Now, I will try again. I want to put in this evidence. I propose to show by this witness that he carried from time to time from the store-room of the institution to Mrs. Marsh's private room, blankets, at different times, women's under-vests, and stockings for women, two dozen at a time, which Mrs. Marsh would send him for.

The CHAIRMAN. Hadn't she a right to have all the clothing in the institution sent to her room, if she chose to ?

Gov. BUTLER. Undoubtedly she had.

The CHAIRMAN. She was the matron of the institution.

Gov. BUTLER. Precisely so ; that is to the weight. What is

the inference? It has been sworn here over and over again that the clothing of the institution was all made and mended in the sewing-room, not at her room. She has no right to have the under-wear of the institution carried up to her private room and kept there. Why sha'n't I have the fact in to make such deductions as I please? You will make a deduction, perhaps, in favor of her having blankets by the dozen up in her room, and suppose that she kept them there and made her room into a store-room, her sleeping-room, her private room, and under-wear by the dozens up there for her own wear, and stockings by the dozen up there; you may make the inference that it is all right. I want the fact in to make my inference from, which is that it is all wrong, and for the legislature to make their inference.

Mr. MELLEN. Has anybody objected to its going in? Does the chairman object?

The CHAIRMAN. I don't object.

Mr. BROWN. I haven't heard any question asked yet.

Gov. BUTLER. I will put the question.

Q. Whether you have carried a large quantity of the Commonwealth's property, in the shape of dry-goods, and if so, what, up to Mrs. Marsh's room and left it there, by her directions?

Mr. BROWN. Wait a moment; I pray the judgment of the committee.

[The question was rejected, 3 to 5.]

Gov. BUTLER. Well, let us try again.

Q. Were you ever put in charge of the tobacco when French Joe was away, and if so, did you sell it to the inmates?

Mr. BROWN. I pray the judgment of the committee.

The CHAIRMAN. We will take a vote upon it.

Mr. BROWN. Mr. Chairman, just think for a moment of that proposition; think of it for a moment. Did he have charge of the state tobacco in the absence of French Joe, and did he sell it to the inmates.

Gov. BUTLER. Yes; certainly he did.

Mr. BROWN. Now, I want to be perfectly respectful, but supposing the question was, Did he steal it; is it anybody's account but his?

Gov. BUTLER. He was not the man who stole it.

Mr. BROWN. Is it anybody's account but his? An officer of an institution who exercises the greatest amount of diligence cannot always prevent irregularities, and, I take it, these people

are to be charged upon their knowledge, something of that kind. In the first place, it is an absolutely and entirely new proposition, never heard of before, never suggested in the original case, and never suggested in any manner till His Excellency came to the cross-examination of French Joe.

Gov. BUTLER. That is early enough.

Mr. BROWN. And now he proposes by the introduction of new matter to contradict a witness on a piece of testimony that he brought out on cross-examination, which was entirely immaterial. He never asked French Joe if Captain Marsh, or the assistant superintendent, or the board of trustees knew anything about the matter of the sale of tobacco. He simply asked French Joe if he didn't sell tobacco to the inmates, to which French Joe said he didn't. It was not, Do you sell it with Captain Marsh's knowledge, or with the knowledge of any of the officers of the institution? Not at all; no reference to that; but the simple question as to whether French Joe didn't sell tobacco to the inmates, and he said he did not. Now, he proposes to show by this man, or to ask him the question,— and I presume he would not ask it unless he expected an affirmative answer,— that this man took the state tobacco and sold it to the inmates.

Gov. BUTLER. Yes.

Mr. BROWN. Now, I submit if we are going into that, it is entirely new matter, and stands entirely upon the same ground as that which the committee just rejected.

Mr. MELLEN. I don't know as it is worth while for any of us who are in the minority to say a word in opposition to the views of the counsel for Tewksbury. Thus far —

The CHAIRMAN. I think the minority can talk as long as they choose.

Mr. MURPHY. And that is all it amounts to.

Mr. MELLEN. That is what I say; I didn't know but what it might be a waste of wind, might be exerting ourselves for nothing; because I have learned that it has been useless, in most instances, and all that Mr. Brown has got to do is to object,— or, for that matter, the chairman sometimes intimates to the governor that his evidence is incompetent, as he did in this case, without Mr. Brown's interfering at all. But I do maintain that this is competent evidence. I say to Mr. Brown and I say to the committee —

The CHAIRMAN. I suppose I have as much right to say it is not competent as Mr. Mellen has to say it is.

Mr. MELLEN. Mr. Chairman, I am talking now.

The CHAIRMAN. Yes.

Mr. MELLEN. You may interrupt the governor, but you sha'n't interrupt me.

The CHAIRMAN. I shall.

Mr. MELLEN. Well, sir, if you do I will give you my opinion very plainly.

The CHAIRMAN. Yes.

Mr. MELLEN. Even if I am in the minority. When I get the floor of the House, as unfair as it was, or the Senate, too, probably, they will maintain I have some rights, and, as one of them, I have a right to talk till I get through without being interrupted by you or anybody else.

The CHAIRMAN. You just reprimanded me for making a suggestion.

Mr. MELLEN. I ought to have done it at the time. Many and many a time you have interrupted the governor with the opinion that that which he wanted to offer was inadmissible, before the counsel for Tewksbury has opened his mouth; giving him the cue, as it were. I didn't object to it at the time, but I ought to, and you shouldn't have done it. It is contrary to propriety.

The CHAIRMAN. I don't think the gentleman's remarks are pertinent to the question.

Mr. MELLEN. When the time comes for offering your opinion you can do so.

The CHAIRMAN. All right; if you want to speak on the question, do it.

Mr. MELLEN. That is what I propose to talk on.

Mr. CHAMBERLAIN. If this discussion is to continue I shall move to go into executive session.

Mr. MURPHY. And waste time.

Mr. MELLEN. You can make all the motions you are a mind to, to go into executive session, but I shall not talk with any more freedom there than before an audience, as the gentleman knows. I give my opinion anywhere, without fear of anybody. Now, Mr. Chairman, as I was remarking, I don't know as it is worth while to say that this is admissible. I was about saying, Mr. Chairman, that Mr. Brown was wrong in wishing to have the committee believe that the matter of the sale of articles by French Joe was only drawn out when French Joe was on the stand. Now, there were some parties, inmates, former inmates

of Tewksbury, who testified as to having purchased from French Joe.

Mr. BROWN. Nothing said about the Commonwealth's property.

Mr. MELLEN. I deem that to be Commonwealth property. I don't believe in dodging a thing behind a technicality, and I don't think that is even dodging it.

Mr. BROWN. You will recollect French Joe explained that by saying he sometimes went up to the post-office, took a man's money, and got him a piece of tobacco.

Mr. MELLEN. I recollect this is what French Joe said, but the Tewksbury people and Tewksbury's counsel can make very peculiar explanations, sometimes satisfactory to some, but not always to all parties. Now, sir, this is in rebuttal. This man acted in French Joe's stead. The governor is trying to prove the policy of the office, if I may term it so, that French Joe held. When French Joe was not there, it is fair to presume this man, when in his stead, acted as French Joe did, and sold the Commonwealth's goods, or whatever goods were there. Now, if that can be shown, it helps to prove that what was said by former inmates of Tewksbury, and what has been denied by French Joe — that that was the policy, that they were selling these goods; and it is clear to me that it is admissible, and I move that it be admitted.

Gov. BUTLER. I want to put in my whole case. I propose to prove that they sold the State tobacco, that the money was put into a bag, into a box with a lock on it, that he has counted the money and found \$7 in it, that one of the Marshes had the key to that lock, and went and took what he wanted of the money, and that this was practised from 1872 to 1876. Well, now, Charles Marsh, — the fact of selling State tobacco, I supposed, was clear as the light of heaven, 21, 14, 7, so many times, and so many smoking old ladies, that one of the committee was kind enough to tell us about, only he didn't take the stand and swear to it so I could cross-examine him, so many smoking old ladies were there, — I supposed that was agreed. Now, I want to know what became of the money. I am not accusing this witness of stealing it; I want to know if he didn't sell tobacco, and if he didn't place the money in a certain box, and if he didn't see one of the Marshes come there and help himself, having a key to it. But I have got to begin at the beginning, and I have got first to prove that the money was in the box to his certain knowl-

edge ; then I have got to prove it was taken out, and I have got to prove whose money it was. And they put forward the fact that there has been an account of the State's property ; they have been saying to us that not a dollar has been used, and not a cent ; and here the committee are called upon to protect them, and keep out the evidence of the facts. Well, now, they won't keep it from the Commonwealth. They had better not keep it out anywhere, in my judgment ; better let it in. It ought to come in. It is legal, and it should come in. But I am content to have it all ruled out, because I think it will do quite as much good to have it ruled out ; but it is not legal to rule it out. It is proper I should have it in.

The CHAIRMAN. In your opinion, Governor.

Gov. BUTLER. Yes, sir ; in my opinion, and I offer it as such ; and if it is like some other cases, I am wrong because five gentlemen are of certain politics, and only three of the other way, of other politics. If the committee was composed differently, I should probably be right every time, and the chairman would be wrong every time ; that would be all the difference. It is exactly like that seven to eight, which I speak of here. If the eight were right, it was because they were Republicans ; if the seven were wrong, it was because they were Democrats. That was all. So it happens that men are so made ; and men are made so even when they get the black silk gown on, and sit on the bench. Therefore, votes don't change opinions, nor prove the right of opinions.

The CHAIRMAN. My trouble with it is that you had six weeks to put it in when there was time for the other side to meet it ; that is my trouble with the evidence.

Gov. BUTLER. I had no six weeks to put it in when it would contradict French Joe or any of their witnesses.

The CHAIRMAN. From the thirtieth of March to the twelfth of May you had the witnesses here to put in what evidence you chose.

Gov. BUTLER. Certainly.

The CHAIRMAN. And you chose to leave this out.

Gov. BUTLER. No ; I didn't.

The CHAIRMAN. Now, if this is put in there is no chance for the other side to meet it.

Gov. BUTLER. Then it is not a question of law, but a question of kind charity to the other side. That is all.

The CHAIRMAN. A question of discretion with the commit-

tee whether, at this late day, they will let you come in with new evidence.

Gov. BUTLER. It is not new evidence, and it is not a question of discretion; it is a question of law.

Mr. BROWN. I should like to say a single word, and that is this: During the early part of this investigation I protested against certain rulings of the committee, and I never dreamed that any member of this committee was moved by any political bias of any kind or description.

Gov. BUTLER. Of course not.

Mr. BROWN. I never thought of such a thing. But, by and by, when His Excellency found that on certain questions the committee voted with him, admitting everything, hearsay, what the dead said and what the living said, then there was no politics about it.

Gov. BUTLER. No.

Mr. BROWN. But now, when the time has come that this committee see as men that they have got to sit here for the next three or four months, or else pay some regard to the rules of law, then His Excellency threatens, first that he will get out, that has been repeated a half-dozen times, and leave the investigation. Then that the men who vote against him are moved by political prejudice —

Gov. BUTLER. There is not a word of truth in that; not one.

Mr. BROWN. What is that?

Gov. BUTLER. There is not a word of truth in that statement; that is all.

Mr. BROWN. Well, then, it is because His Excellency could not tell the truth; that is all. That is what he said.

Gov. BUTLER. No; I don't say so.

Mr. BROWN. Now, Mr. Chairman, I think it is about time that this committee began to consider whether they will continue to receive such treatment. I think the committee have a right, — my opinion as counsel here may not be as good as the opinion of His Excellency, who is a lawyer of a great deal of experience, and who has had a great many —

Mr. MELLEN. Mr. Chairman, I protest against the gentleman pursuing that line any further. We don't want any of his advice as to what we want in the line of direction from His Excellency, and threats. We are not seeking it at all, and I protest against his continuing in that line. If he wishes to

talk on the question, well and good ; but if he does not, why, we had better get down to business.

Mr. BROWN. I can't get on it while the gentleman is talking.

Mr. MELLEN. No ; but you haven't been on it for the last fifteen minutes.

Mr. BROWN. The last minute ; I will get on it directly.

Mr. MELLEN. Do it, then.

Mr. BROWN. I say, Mr. Chairman, that His Excellency is a very much older and I have no doubt a very much abler lawyer than I am. I, nevertheless, have my opinion, and it is just as well settled, and I am just as firm in it as he is in his. Now, I suppose the committee, having heard the opinion of both counsel in presenting their views, and having heard the discussion upon the question as to whether this is evidence in rebuttal, or whether it is entirely new matter, are capable of deciding, and I certainly hope that the committee will use their best judgment in regard to it. I only point out, Mr. Chairman, as it seems to me very clear, that it is new matter, and what the consequence will be if this new matter is allowed to be admitted.

Gov. BUTLER. One single word, sir. The chairman was kind enough to say, as I remember what he said, that I had six weeks or two months—it is of no consequence, I don't trouble about whether the date was right or wrong, we are all liable to be mistaken about that—to put in this evidence. I have already proved to you that this man was under the subpoena of the other side.

Mr. BROWN. Not during the time you refer to.

Gov. BUTLER. Summoned by the other side ; that is in evidence and not contradicted ; and, therefore, common prudence, if not common decency, would have prevented my going to him to find out what he knew, or sending any detective to find out—which would be my going—what he knew. I have not learned of these facts,—I learned of the facts, but I have not learned of the method of proving them till very recently, therefore, it is not my fault ; I should have been glad to have put them before you. It is not my fault that they are not in before. But that don't make the question of law any different, that I can contradict, put in rebutting evidence to show that what has been testified by the defence is not true, because I didn't put it in in chief. Rebutting testimony may be good both in chief and in rebuttal, might be put in, can almost always be put in in both cases. But, even if it is good in rebuttal, it don't make it any less good

because it might be in chief. Now, the counsel argued that as a matter of law it should not go in. The chairman put it upon the ground that it is a matter of discretion in the committee whether they will let it in or not. Now, can that be so? Because it may take too much time, or the other side may be prejudiced. I insist it is not a matter of discretion; it is a matter of right, and they are to decide as judges. For, as a matter of discretion — I can easily see, in matters of discretion, how the committee may be biased by their feelings, political or other, but on a clear matter of law I don't see how they could well be. Now, the chairman, — I have too much respect for his legal attainments to believe that as a matter of law he will say that when I inquired of French Joe if the money was all returned, and he said it was, that I cannot prove that the money was not returned, — all the money was returned from tobacco which he sold, and is the money which Charles Marsh's books show was given for tobacco. I think I can prove that it was not returned, and that these books were falsely kept, because they do not contain any credit of tobacco sold. All these books, from beginning to end, haven't a credit to the State of any tobacco sold. Now, I want to show that a good deal was sold, and that is not on the books. If that is not rebutting, I have illy studied the profession to which I have paid attention some forty years, as a mere matter of law. But, if it is a matter of discretion, if you are going to say we won't hear anything we don't want to hear, then that is something which I cannot argue against, because I don't know where the butts and bounds of it are, how deep it goes, and how strong it is. And the plain proposition which I want to appear here is that I offer to show, to prove, that these books have not been kept correctly, that there were large sales of tobacco, or considerable sales of tobacco, — large is a relative word, of course, — considerable sales of tobacco, of which there appears no account anywhere, altered by acid or erasure, or standing as it was made. Now, if you choose to vote I shan't, I am not going to threaten, and I have not threatened. I haven't threatened a half-dozen times to leave here. I have never threatened at all. I never have left the investigation at all. I have been here whenever I have been called here, and stayed here, and when Mr. Brown gets up and says I have, a half-dozen times, threatened to leave, I have not threatened at all. Never threatened to leave; never said I was going to leave. I don't desert my post of duty. My duty is

here, and I am going to stay here just so long as I can do any good here, and no longer and no shorter.

The CHAIRMAN. When I said it was a matter of discretion, I said it on the ground that it was new evidence. That is the view in which I suggested the matter of discretion only. Of course, as a matter of law, I should agree entirely with the governor. Now, the question is whether the evidence offered shall be admitted.

Mr. MURPHY. Do I understand the chairman to say he agrees with the governor on the matter of law in this case?

Gov. BUTLER. You could not admit irrelevant testimony as a matter of discretion.

The CHAIRMAN. That is what I agree upon as a matter of law. As to the matter of putting in new evidence when rebuttal is going in, I take it that is a matter of discretion.

[The committee voted 4 to 4, and the testimony was rejected.]

Gov. BUTLER. I want, now, to put in this class of evidence: I want to prove that this man was ordered to work, and did work, some ten days in getting Charles Marsh's house ready for him; that he built his chicken-coop and pens for his chickens; that he counted the chickens, and there was a good many more of them than Charles Marsh swore there were; and that he has carried the feed many times from the institution to feed his chickens, and has carried eggs back to the institution, once eight dozen at a time, which it is admitted were sold to the institution. Now, I want to prove, in other words, that Charles Marsh fed his chickens, had his hen-coop built from the lumber and from the work in the institution, had his chickens fed by the institution, and then sold the eggs back to the institution and got his pay. That, you see, took it out two ways, counted double every time. I offer that testimony. I will put it in the form of a question, if you desire. I put that proposition.

Mr. BROWN. I want it put in the form of a question, and then I shall object to it. I believe that entitles me to the close.

Gov. BUTLER. Oh, yes; that is it, is it?

Mr. BROWN. Yes; we will find out what our rights are, now.

Gov. BUTLER. You have been a long time learning.

Mr. BROWN. You have been arguing the close every time I objected.

Gov. BUTLER. I will put it directly, so as to get it pretty carefully, as I am instructed.

Q. Whether you worked ten days in getting Charles Marsh's

house ready for his occupancy when he was getting it ready to move into?

MR. BROWN. Is that the whole of the question?

GOV. BUTLER. That is the whole of the question at present.

MR. BROWN. To that I object, that it is entirely a new matter; never been referred to by anybody before.

GOV. BUTLER. Undoubtedly not; except he swore he went there to live in his own house, without any expense to the State, except so far as his own eating was concerned. That is all. Now, I am going to try to contradict that.

MR. BROWN. Where do you find any such evidence as that?

GOV. BUTLER. Why, precisely that. Why, good heavens; you don't remember anything! This is it. Didn't he say he went there and took what food he wanted for himself, but not enough for his wife, because he thought he had a right, as other officers had, to be fed there? Now, he has no right to have a house fitted up for him, I suppose, by any law, from the funds of the institution, or by the work of the institution. I went over it very carefully, because I did not know then what I could prove against him.

MR. BROWN. Mr. Chairman, this is not only entirely new, but there is not a syllable of it which tends to contradict any testimony which has ever been produced. Charles Marsh testified — and he is the only person referred to — Charles Marsh testified that he boarded at the institution with his parents up to a certain time, when he went to keeping house. And he went up into a house that belonged to another man, and he got from that other man a certain number of hens — never a word about chickens — a certain number of hens; I think there were seven. And he kept those hens all the time that he lived in that house, and when he got out of it the other day, he let the man have his hens back again; or, if not the same, certainly about the same number — nine. He said he had occasionally, when he got out, taken meal from the Commonwealth, which he paid for. That is what he testified, distinctly — that he paid for it. And then he was asked if he didn't furnish eggs to the Commonwealth, to be paid for. And he said he did, in some cases. Well, in the first place, the evidence is that they were his hens. Now, if he wants to show that what Charles Marsh testified to — that those hens didn't belong to Charles Marsh, perhaps that would be competent in rebuttal.

Gov. BUTLER. Oh, no; that might not be in rebuttal, because he might have hired them.

Mr. BROWN. Well, if he said they belonged to him, and it was material, testimony might be offered to disprove that in rebuttal. But this not only don't contradict Charles Marsh, but it is absolutely new and immaterial in every way, shape and manner.

The CHAIRMAN. The committee will settle it.

[A vote was taken and the question was rejected, two to three.]

Gov. BUTLER. Now, then, I want to prove that he had instead of seven hens, forty-nine.

The CHAIRMAN. Will the committee admit it?

Mr. BROWN. Well, Mr. Chairman, if this man knows in whom stood the title of the hens — but he don't pretend to know that.

The CHAIRMAN. Repeat the question, Governor.

Gov. BUTLER. I propose to ask this man if he didn't count the hens kept there on this food and find them forty-nine instead of seven, as Marsh said. The title is not of any account. I suppose the hens would eat about as much of the Commonwealth's corn, whoever owned them. They were in Charles Marsh's hennery and he sold the eggs; and he claimed the title, and possession is *prima facie* evidence of title.

Mr. BROWN. Mr. Chairman, Charles Marsh never testified that he didn't have more than seven hens. He testified that when he went to that place he got seven hens, and when he came away he returned nine. He never said that in the interim he didn't have more hens. He was there several years. But the point is that he has paid for everything which he ever had from the Commonwealth in connection with these hens.

Gov. BUTLER. But he didn't pay until he was turned out last June.

Mr. BROWN. I beg your pardon; he has not been turned out. He is there still, and they are negotiating for his future employment.

Gov. BUTLER. If he is there still I don't see any occasion for negotiating.

The CHAIRMAN. The committee must settle this new hen question. Those in favor will raise their hands, four; those opposed, three. The hen question is admitted.

Q. Well, sir, did you carry the food to the hens?

Mr. BROWN. That is not the question.

Gov. BUTLER. I want to know how he happened to be there to count.

Mr. BROWN. That is not the question. The question is whether there were forty-nine.

Gov. BUTLER. Well, after I get him there I am going to prove that—how many hens were kept on the Commonwealth's meal.

Q. Did you have occasion to go to that hen-coop? A. Yes, sir.

Q. Frequently? A. Yes, sir.

Q. How frequently? A. Sometimes every day for a week, or for three weeks.

Q. For how long a space of time? A. For three years.

Q. Did you ever take occasion to count the number of hens there were there? A. Yes, sir.

Q. How many were there? A. Well, I went down to put an addition on to the hen-coop—

Mr. BROWN. I object to that.

Gov. BUTLER. Let him answer.

Mr. BROWN. I submit that it is not competent. The question is how many hens were there?

Gov. BUTLER. Hens and chickens I go for.

Mr. BROWN. Your question only applied to hens.

Gov. BUTLER. When I speak of men I use it in the generic term.

Mr. BROWN. You didn't speak of men; you spoke of hens.

Gov. BUTLER. I know; and I can use that as a generic term, as well as any other. This is all nonsense.

Mr. BROWN. Then don't keep it up.

Q. Well, sir, how many of the feathered tribe that go on two legs and eat meal and lay eggs did you count?

Mr. BROWN. That is too broad.

The WITNESS. I counted twenty-nine full-grown hens at one time.

Q. And some chickens? A. There were some chickens besides; I don't know how many.

Q. How many eggs did you bring away from there to the institution, to be sold to the institution?

Mr. BROWN. I pray the judgment of the committee.

The CHAIRMAN. We will have to settle it.

Gov. BUTLER. At one time.

Mr. BROWN. What is the purpose of the inquiry?

Gov. BUTLER. To show that the Commonwealth that fed the hens bought the eggs, if it did buy them.

Mr. BROWN. But your witness has testified; you say that the Commonwealth paid for the eggs.

Gov. BUTLER. Their witnesses say that.

Mr. BROWN. Why shouldn't they pay for the eggs which Charles Marsh's hens laid.

Gov. BUTLER. Because they were fed with the Commonwealth's corn.

Mr. BROWN. But the corn has been paid for.

Gov. BUTLER. No.

Mr. BROWN. I beg your pardon. You haven't a syllable of evidence that the corn has not been paid for. The evidence is that it has been.

The CHAIRMAN. Shall the evidence be admitted?

[The question was taken and the evidence was rejected, two to three.]

Gov. BUTLER. Well, now, let us try again.

Q. I want to ask you whether Charles Marsh's house was supplied with milk regularly from the institution, and how much a day?

Mr. BROWN. Wait one moment.

Gov. BUTLER. Certainly.

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. Let us have the judgment of the committee again, or perhaps their discretion. The claim to the milk is put upon the ground that he swore he had nothing except what he took from the table; and I want to contradict that if I can.

[A vote was taken and the question admitted, five to two.]

Q. Did you carry any milk down to Charles Marsh's house?

A. Yes, sir.

Q. How frequently? A. Not very often. I would take it down. He had a little can that held about a gallon. Whenever he made ice-cream in the summer-time, — that was twice a week, — he got his milk in that can to make ice-cream with.

Q. Did he keep a cow? A. No, sir.

Q. How do you know whether he got his milk regularly from the institution otherwise? A. I do not know.

Gov. BUTLER. I don't suppose he made ice-cream out of skim-milk.

Q. Did you carry any food down to his house?

Mr. BROWN. I object.

Mr. MELLEN. I think it is equally as competent as the last question. He asked if he carried milk, and now he asks if he carried food. I move that it be admitted.

Mr. BROWN. His Excellency is entirely mistaken in regard to what Charles Marsh testified. If he can find on the record any such statement as he says, I will submit without a single objection.

Gov. BUTLER. Very well, I will take it as a bargain.

Mr. BROWN. Now, let us turn to the record. What is your statement that he said?

Gov. BUTLER. My statement is this: That he thought he had a right to his own food, food for himself, to be taken from the institution; but that he never took away any but what would supply himself, and none for his wife.

The CHAIRMAN. Now, if you will turn to it.

Gov. BUTLER. I haven't it, sir.

The CHAIRMAN. There is a copy of it.

Gov. BUTLER. It was testimony given yesterday; it is not printed.

Mr. BROWN. I would like to know if the committee recollect any such testimony.

The CHAIRMAN. Better settle it by the record.

Gov. BUTLER. It is not written out, the stenographer informs me.

Mr. BROWN. My recollection is that Charles Marsh said that he boarded at the institution before he was married, and afterward he went to keeping house and had certain things. And that he had meal occasionally when he got out.

Gov. BUTLER. For his hens.

Mr. BROWN. And then he went on and told about beans, and he said that he was in the habit of sending up a pot of beans to be baked; but the cook made considerable objection to it, and finally he got his beans from the institution rather than to send up a pot of his own. And then he added, in his testimony, that he didn't have any other property except what he paid for; and then he went on and told about his payment for the meal. Now, if His Excellency can find any testimony that Charles Marsh had anything of this kind which he didn't pay for — for that I take it is the question; the Commonwealth has not been robbed if it has been paid for.

Gov. BUTLER. The difficulty is that he never claimed that he paid for anything but the meal.

Mr. BROWN. I beg pardon; he said he did. Is the record of yesterday accessible?

The CHAIRMAN. I don't think Mr. Marsh was on the stand yesterday; that was on Monday.

Mr. BROWN. Now the beans are accounted for. It must be other food than beans.

Gov. BUTLER. The question is now what Charles Marsh said.

The CHAIRMAN. Yes, Governor; if you will find it. The suggestion is made that we adjourn. How much longer will you want this witness?

Gov. BUTLER. I shall get through directly. I should have him a good while longer, but he is ruled out pretty much.

The CHAIRMAN. I saw Dr. Talbot here. The witness might step aside while we are finding this.

Gov. BUTLER. Dr. Talbot.

Mr. INNIS. Dr. Talbot has gone.

Gov. BUTLER. He has no right to go.

The CHAIRMAN. Let the witness go back to the stand, then.

Mr. GILMORE. Dr. Talbot has been here all the afternoon.

Gov. BUTLER. I can put on another witness.

Mr. BROWN. It seems as though we ought to recollect the testimony of yesterday.

The CHAIRMAN. Mr. Burns will be here to-morrow. We can go on, and pass over this question now. Let him be here to-morrow, and we will find the record in the meantime.

Gov. BUTLER. I hardly think it is of importance enough to keep the witness here to-morrow, sir.

The CHAIRMAN. I think it is doubtful. Then we will vote upon it. The question is, Shall this evidence be admitted? The question to the witness is, if I understand it. What, if any, food, he carried to the house of Charles Marsh?

[The evidence was rejected, three to three.]

The CHAIRMAN. Now proceed, Governor.

Gov. BUTLER. I have other matter of the same description which I cannot put in under the ruling of the committee. The witness is open to cross-examination.

Cross-examination by Mr. Brown.

Q. Mr. Burns, when did you first go to Tewksbury? A. In 1866.

Q. Under what name did you go to Tewksbury first? A. John B. Burns.

Q. John B. Burns? A. Yes, sir.

Q. You went as an inmate? A. Yes, sir.

Q. How long did you stay there as an inmate? A. I stayed there one winter, or part of two winters.

Q. That is, between 1866 and '67? A. And '67.

Q. And did you stay through the summer of 1867? A. No, sir.

Q. Then you went out in 1867? A. The last part of 1867. In March I was hired. I didn't like the job, and left in a month.

Q. Then when did you again go back to Tewksbury? A. I went back in September or October.

Q. What year? A. 1868.

Q. How long did you stay there then? A. I was there every winter from 1866 to 1872.

Q. Up to 1872? A. Yes, sir.

Q. Six winters? A. Every winter.

Q. Now, sir, why was it you went away summers? A. I went away in the summer-time, and went down to Gloucester and Beverly and went fishing.

Q. Why did you go there winters? What was the trouble with you? A. There was no fishing going on. I was injured while I was in the army, so I was not able to work.

Q. What regiment were you in? A. In the Third Massachusetts Cavalry.

Q. The Third Massachusetts Cavalry. Where did you serve? A. I was under Maj. Gen. Butler, at New Orleans.

MR. BROWN. Go down to the adjutant-general's office, and bring up those records of the Massachusetts volunteers, including the Third Massachusetts Cavalry.

THE WITNESS. I have got a duplicate of my discharge in my pocket.

MR. BROWN. Let's see it. [Receives the document.]

Q. Have you any relatives? A. Yes, sir.

Q. Where do they live? A. I have got a brother in Lowell.

Q. What is his name? A. Daniel.

Q. Daniel what? A. Daniel W. Burnham.

Q. How came his name to be Burnham? A. That is my name — my right name.

Q. So you have been sailing under false colors all these years? A. When I enlisted in the army, down in Salem, in 1861, I had been drinking, and, for some reason, I didn't go by my right name.

Q. Had been drinking? A. Yes, sir.

Q. Have you ever been sober enough since to go back to your right name? A. Yes, sir; but the reason I didn't go back to my right name is because that would debar me of all the privileges I should get from that name while I was a soldier.

Q. Now, what privileges have you had since 1866 in consequence of your having been a soldier? A. I have had none; but I have got them to look for. I might want them.

Q. So you have kept up this false name? A. I have not kept it up. They know my name at the almshouse — my right name; they have known it at the office.

Q. Did you ever sign your name as John B. Burnham? A. No, sir.

Q. Never have?

Gov. BUTLER. Since you came from the army.

Mr. BROWN. I mean since you came from the army.

The WITNESS. Since I came from the army? Yes, sir.

Q. Where? A. In letters I have written to my brother from the almshouse.

Q. Any other place? A. No, sir; not that I remember.

Q. Was there anybody, outside of two or three of the Marshes, at the almshouse, who has known that your name is Burnham? A. Yes, sir.

Q. Has your name ever been on the pay-roll of the institution as Burnham? A. No, sir.

Q. Always John B. Burns? A. That is the name I went there under, and the name I have gone under while I have been there.

Q. Now, have you written to any other relatives since you have been there? A. No, sir; not that I know of.

Q. Now, what was the trouble? What was the specific disability that you had? A. Well, while I was on Ship Island we were practising with green horses, drilling them, teaching them to jump poles. I had an old plug that could not jump

over a straw, and I was trying to make him jump over a pole three feet high, and he struck his forefeet and turned a somersault and came down on top of me. I was ruptured and injured internally, and never have been well since.

Q. Ever applied for a pension? A. No, sir.

Q. Why not? A. I went and saw Mr. Hobbs down here; he wanted a large retainer to take it up, and I didn't have the means to give it to him.

Q. In what year did you receive that injury? A. In 1862.

Q. In 1862? A. Yes, sir.

Q. You never applied to Gen. Butler for a pension? A. I have never seen him, from that day to this, until I saw him here.

Q. Now, is that the only reason you didn't apply for a pension? A. Yes, sir.

Q. Sure about it? A. That is the reason I didn't apply for a pension; because I got along without it. As long as I could get along without it, I have done so.

Q. But you were so poor you went to the poorhouse in the winter? A. At the first of it.

Q. That is, for six winters you went to the poorhouse? A. I could stay there. They hired me the second winter, and I didn't like. The job that I had was so confining that I couldn't stand it.

Q. What was it? A. Gatekeeper.

Q. Exposure have anything to do with it? A. No, sir.

Q. You were able to do the work? A. There was no work about it; it was the confinement.

Q. Now, you have been there continuously through each year for how long a time? A. Since 1872.

Q. About eleven years? A. Yes, sir.

Q. Now, how much have you had a year? A. Well, I should say twelve dollars a month. They didn't suppose that I was able to do full work, so all I got was about half pay; and I done more than half the work.

Q. Are you certain that you in any year received more than one hundred dollars? A. I know it.

Q. Perfectly certain of it? A. Certainly; I have got my twelve dollars per month since I have been there.

Q. You signed the pay-roll and receipted for the money.

Gov. BUTLER. Let us go home.

THE CHAIRMAN. His Excellency suggests that we adjourn.

Gov. BUTLER. I only want to finish this.

Mr. BROWN. Well, it may take me some time.

THE CHAIRMAN. I would like to sit it out.

Mr. BROWN. I will cut it as short as I possibly can.

THE CHAIRMAN. Go ahead as rapidly as you can.

Q. Now, you don't know any reason except what you have stated why you shouldn't have a pension, do you? A. I am entitled to it if I could only hunt up the witnesses. I am entitled to a pension and \$200 besides. I never got a cent of bounty.

Q. You say you left the institution when? A. About three weeks ago. It was three weeks last Saturday.

Q. When was it you were summoned first as a witness? A. Which one do you mean?

Q. I mean the first time you say you were summoned? A. It was about a fortnight, I think, before I left.

Q. That is some five weeks ago? A. Although I would not be sure; it was only a short time before I left.

Q. Did you ever have any interview with anybody, except that you have referred to with Thomas J., Jr., in regard to your testimony? A. No, sir.

Q. Did you ever see me before? A. Yes, sir.

Q. To have an interview with me? A. I was introduced to you one day, if you will remember.

Q. Where was it? A. I and Mr. Howard; at the table — we were eating dinner.

Q. How came you a State charge? You were born in Nottingham, N. H. Do you know? A. No, sir.

Q. When did you come to Massachusetts first? A. I came to Massachusetts when I was six years old.

Q. And you have lived here ever since? A. Lived here ever since.

Gov. BUTLER. Others from New Hampshire have got to be State charges.

THE WITNESS. How is that discharge?

Mr. BROWN. Oh, that is all right. I will return this to you. [Returning to witness his duplicate of discharge.]

Q. Now, when was it you had this conversation with Thomas J. Marsh, Jr.? A. It was the next day after I got the summons. I got the summons about twelve o'clock Saturday, and it was the next morning after.

Q. Sunday morning. Where was it? A. In the office.

Q. How came you there? A. I went there on purpose to see him.

Q. Now, I want you to repeat just what you said and what he said to you? A. Well, I went to the office, and he was there and I asked him if he knew I had got a summons to come up here.

Q. That was the first thing said, was it? A. That was the first thing that was said. That was in the inside office. There was somebody else there, and he opened the door and beckoned me out into the outer office where there was nobody.

Q. Then what was said? Now, there was nobody present but you and he? A. But he and I — that I saw. I asked him again if he knew I had got a summons, and I forget whether he said he knew that I had, or didn't know. Anyhow I told him I had got one, got one the day before, and told him I didn't want to go up.

Mr. MELLEN. Speak a little louder.

The WITNESS. I told Mr. Marsh I didn't want to come up here and that he didn't want me to come up here. Then he walked up and down for a minute and said he, "Why?" Said I, "I suppose you know why just as well as I do, but if you want to know why, there is only one thing about it; if you want me to go up there I will go, but I am going to answer every question that is put to me with perfect candor, I don't care what it is. I am going to do it without any fear or favor of anybody." "Well," said he, "if that is the way you talk, we don't want you."

Q. He said "we"? A. He said "we."

Q. Do you know anything about what he referred to? A. I supposed he meant the family; that is what I took it to be.

Q. That is what you took it to be? A. Yes, sir.

Q. Now, hold on. Up to that point, you have stated it just as it took place? A. Yes, sir; just exactly.

Q. Word for word? A. Word for word, as near as I could remember.

Q. But you are sure you give the substance? A. I am sure of it — perfectly sure of it.

Q. Now, go on and finish the conversation? A. I asked him what I should do with the summons, and he told me to tear it up, and he would see Mr. Brown the next morning and make it all right.

Q. That was the end of the interview? A. I walked out, and he walked into the office.

Q. Nothing more said from that time up to the time you were summoned here the day before? A. Yes; there was. He came to me again.

Q. I don't ask you what he said. I wanted to know if there was anything said after that? A. About that summons?

Q. Yes. A. Yes. Do you want to know what it was?

Q. No; I don't ask what it was. Now, Mr. Burnham, are you perfectly certain that you were there at this reduced price on account of a physical disability? A. Yes, sir.

Q. Perfectly sure? A. Just as sure as that I am sitting here.

Q. How many times have you been confined to your room for a week at a time since you have been there, because you were under the influence of liquor? A. Not once.

Q. Not once? A. No, sir; not a week.

Q. Well, five days? A. Nor five days.

Q. Two days? A. Perhaps I might two days.

Q. How many times have you been confined to your room in a state of intoxication, Mr. Burnham, for two days? A. I never was drunk.

Q. Well, in a state of intoxication; under the influence of liquor? A. Never in my life.

Q. Well, I understood you to admit, a few moments ago, that you had been confined to your room on that account?

Gov. BUTLER. No, he didn't.

Q. Not drunk? A. Not under the influence of liquor.

Q. What was you under the influence of? A. Well, sometimes I would go off on a kind of a spree for a few days, and when I would come back —

Q. Well, when you went off on a spree, how many days did it take to get back? A. To work again?

Q. Yes. How many days were you gone on a spree? A. Sometimes I would be gone a couple, or two or three days.

Q. Ever gone a week? A. I won't be sure.

Q. Don't you know you have, Mr. Burnham? A. I think I was once.

Q. Gone a week? A. Yes, sir.

Q. When was that? A. That was a good while ago.

Q. How long ago? A. It is more than two years.

Q. More than two years ago? A. Yes, sir.

Q. That was the first time that that took place? A. I can't remember but once, and then Tom Marsh came to Boston and hunted me up. He thought I would never come back.

Q. He hunted you up? A. Yes. He thought so much of me he came and hunted me up.

Q. Where did he find you? A. He found me at a sailor's boarding-house, where I used to board.

Q. Where? A. Down on North Ferry Avenue, if you know where that is.

Q. I don't. Was that the first time? A. Yes, sir.

Q. Now, what other time have you been off on a spree when you didn't stay quite a week? A. Well, perhaps during the whole time I have been there it would be about twice a year.

Q. Twice a year? A. Yes, sir.

Q. Periodically? A. Yes, sir.

Q. And generally from two days to a week? A. Only once for a week.

Q. Well, what is the next longest time? A. Generally two or three days, that is all.

Q. Well, that has taken place in every year that you have been there, has it not? A. No, sir; it has not.

Q. What year was there when that didn't occur? A. The last two years it has not occurred.

Q. That is, this spree of a week? A. I have not been away hardly a day.

Q. Since that? A. Since that.

Q. You say hardly a day? A. Well, I have been to Boston and stayed one day, and I have been to Lowell and stayed one day.

Q. Well, was it during any of these sprees that you counted these hens and chickens? A. No, sir.

Q. Were you perfectly sober then? A. I never went to work until I got sober.

Q. Well, you were perfectly sober when you counted the hens and chickens? Sure of that? A. Yes, sir; I am certain sure of that.

Mr. BROWN. That is all.

Gov. BUTLER. Has Dr. Talbot come in?

Mr. INNIS. No, sir.

The CHAIRMAN. The public hearing is now closed. We ask counsel to remain with us for a few minutes.

Adjourned to meet on Thursday, July 12, at 9.30 A. M.

SIXTY-SECOND HEARING.

THURSDAY, July 12.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

MR. BROWN. Mr. Chairman, I want to make a single reservation, which I find from the report I perhaps gave away last night. I want to call a single witness in regard to the acid on the book, when the governor has completed his case.

Gov. BUTLER. I beg pardon; I cannot give way now. I have but little time left.

MR. BROWN. I mean this afternoon when we get through.

Gov. BUTLER. We will see.

TESTIMONY OF JAMES ROWEN (*sworn*).*Direct examination by Gov. Butler.*

Q. Mr. Rowen, you are employed at Mount Auburn. I believe? A. Yes, sir.

Q. Was your wife, Sarah Rowen, sent from Boston to Taunton insane asylum in 1878? A. She was.

Q. And sent from there to Tewksbury almshouse in 1882? A. Yes, sir.

Q. When did she die there? A. The 24th day of June, 1882. That is the date the letter said. I have the letter here.

Q. Let us see it. [Witness produced the letter.] You got this notice? A. Yes, sir.

Q. [Reading]:—

“JUNE 24, 1882. This is to notify you that Sarah Rowen, who was sent here from Taunton hospital, died at this institution. If there are friends who desire to remove her remains it will be necessary to bring coffin, burial robe, etc., without delay. Please reply immediately. As it is so warm the remains cannot be removed until cold weather.”

What day did you get this? A. I got it the 24th of June, late in the evening.

Q. How soon did you start? A. I started to Boston. It was on a Saturday, and there was no conveyance to Tewksbury on Sunday, and I went down on Monday morning early, and we got there at 9.40 on the train, and they said she was buried.

Q. Well? A. Then Mr. Marsh told me —

Mr. BROWN. Wait a moment. I think this thing has gone far enough to show that there isn't anything in rebuttal. The matter is entirely new, and I don't recollect anything about that matter having been referred to in any shape or manner.

Gov. BUTLER. I admit that.

Mr. BROWN. I suppose, then, if His Excellency admits that —

Gov. BUTLER. I want to say that the old gentleman and the doctor testified that the remains were always given to friends. I propose now to show that this man went there and they said he could not have it then, but might have it in cold weather, and that when he got there in cold weather he was told they could not find the remains, and they didn't know where they were. I think that contradicts the evidence given. Of course it is new. If it had been here before we could not put it in again.

Mr. BROWN. I do not see that it contradicts anybody at all. The case of this person has never been referred to before.

Gov. BUTLER. That is of no consequence at all.

Mr. BROWN. His Excellency didn't call the attention of any witness to it in his examination.

Gov. BUTLER. I didn't know it.

Mr. BROWN. The testimony of the defence in every instance is that they tried to communicate with friends. Here is a case where there was communication with friends, but they followed some statutory provision in some way which said that the body should not be removed in June until the cooler weather.

Gov. BUTLER. There is no such statutory provision.

Mr. BROWN. There is a provision prohibiting the removal of remains in warm weather, except by the consent of the board of health of the city or town.

Gov. BUTLER. That applies to cities and towns.

Mr. BROWN. So this matter has never been referred to before now.

Gov. BUTLER. Never.

Mr. BROWN. They don't testify to the fact that there was some mistake, or anything of that kind. With the means the

Commonwealth provided for burial of these people and identification of their graves, it is perfectly possible that some mistake might sometimes take place. I submit that it is entirely new. If it is gone into it will necessitate the calling of the person whom this man says he had the conversation with, to see what the facts are.

Gov. BUTLER. I am going to try to show how far it will be evidence tending to show that it isn't true that people could get their bodies when they went there. This man went there just as fast as he could. He could not get it, and was told he could get it when cold weather came. I propose to show that he went there in September, taking proper means, of course, to remove the body in, and when he got there they told him they didn't know where the body was and that they could not find the grave. The statute wasn't complied with. The statute was that they should have the body, and it was for them to take care of it and see to it. The Commonwealth hasn't stinted them with means at all for that.

Mr. BROWN. It doesn't appear that this man complied with the terms of the law and got any burial permit or anything of that kind.

Gov. BUTLER. It don't appear, because I cannot get a chance to put it in.

Mr. BROWN. He had no right to the body without a permit.

Gov. BUTLER. The husband has a right to his wife's body everywhere on earth, except at Tewksbury. [Applause.] They didn't put it upon the ground that he had no burial permit. They put it upon the ground that the body had gone to Harvard.

The CHAIRMAN. I think the committee should consider whether the hall should not be cleared. Mr. Officer, put out the man, if you find one, making a disturbance.

Gov. BUTLER. Miserable subterfuge.

The CHAIRMAN. Will the committee admit the evidence?

Mr. CHESTER. I wish to have my mind enlightened a little as to the date. I didn't get it.

Mr. BROWN. 1882.

Mr. CHESTER. The time he received the notice and the time he went there for the body of his wife, — the date of the notice.

Gov. BUTLER. The notice was the 24th of June, 1882, which was Saturday. He received the notice, went up Saturday night, came as far as Boston, could not get any further Sunday, got there Monday morning, and was told it was buried

and was told he could come and get it in cooler weather. Now, I propose to show he went there and could not get it, and they could not find it.

THE WITNESS. I wanted to prove that. I went there in cold weather and could not find it.

THE CHAIRMAN. Governor, I wish you would restate what you said, so that the members who have just come in may understand it.

GOV. BUTLER. This witness had a wife sent from Taunton hospital to Tewksbury. He had taken pains to give notice of his interest in her. On the 24th day of June, which was Saturday, he got a notice that she had died. He tried to get there Saturday, but there was no conveyance to Tewksbury on Sunday, and he got there Monday morning. He was told she could not be taken away in warm weather, but he could get it in cold weather. He came in cold weather with a coffin and was told by the person in charge that they could not find the body. He will tell you how much search was made for it. The man was not only put to the expense of going there, but of buying a coffin.

THE WITNESS. And also the expense of digging the grave.

THE CHAIRMAN. Mr. Brown, state your objection in about a minute.

MR. BROWN. My objection is this, Mr. Chairman: This case has never before been referred to by His Excellency, either in chief or upon cross-examination.

GOV. BUTLER. You needn't state that. I think I stated it over and over again.

MR. BROWN. You didn't state it in the presence of two members, who have just come in, in any shape or manner. It is entirely new. I said in the first place it isn't in contradiction of anybody. His Excellency took occasion, during the early part of this case, to call the attention of the committee to the statute which prohibits the removal of any body except upon the permit from the town authorities. And we had a case where an officer was put on here as a witness, and he, I think, qualified himself by saying that he had such a permit for a certain purpose. Now, there isn't the slightest evidence that this man asked for a permit or undertook to get any, or that anything was ever said about it; not the slightest evidence, in the first place. So he hasn't placed himself in a position where he was entitled to ask the authorities at Tewksbury for the removal of

that body. That is the first objection. Now, I say the next objection is, it isn't in rebuttal in any manner or form. It is entirely new, and it involves, of course, if the committee are disposed, as I said before in regard to other matters, — it involves the giving of the defence an opportunity to meet it.

Mr. PUTNEY. Before this matter is taken, I would like a little light upon this matter of rebuttal testimony. I would like to inquire if it is in every case to be confined to evidence which has been presented. If I understand, the line of evidence has been in contradiction of what His Excellency attempts to get from this witness. It seems to me any rebutting testimony which has a tendency in that line is proper. I ask for information.

The CHAIRMAN. I suppose any evidence is in rebuttal which tends to contradict what has been put in by the defence.

Gov. BUTLER. I only wanted to state the facts, and then Mr. Brown went into an argument. They have sworn here that all friends could get all the bodies, and I want to show that they didn't.

Mr. BROWN. I would like His Excellency to point out such a case upon the record.

Gov. BUTLER. I haven't time to go over it. Mr. Marsh swore over and over again, and the doctor also swore, and Charles Marsh swore, that friends could get bodies when they called for them; but this is testimony showing that one person could not get the body which he called for. I don't propose to give up half an hour of my time to go over the record. The man did everything he could to get the body. Now it is said he didn't have a permit from the board of health to remove it. A mere subterfuge. Mere cheek, because I am prepared to prove that at Tewksbury they didn't want the permit. I am prepared to prove this fact by the man who dug the grave, the letter and everything to show that he went for the body and didn't get it.

Mr. PUTNEY. I think we had evidence at some stage of the proceedings where some woman went to Tewksbury after the remains of some friend, and failed to get them. She went with a coffin prepared, and failed to get the remains.

Gov. BUTLER. Two women.

Mr. BROWN. I beg the gentleman's pardon. The daughter of this old woman had died at Tewksbury and she didn't get the notice promptly, and when she got to Tewksbury the daughter had been buried and it was warm weather, and they

said she could not have the body without going through certain formalities and getting a permit, and she abandoned it. Now, there was no occasion for us to grant her request because she was in fault. Because the authorities were not required, and it was unreasonable to ask them to have kept that body until the mother came, because they didn't know whether she would come or not. But this is a totally new state of facts.

Gov. BUTLER. If all day is to be taken up in this argument, I had better abandon the matter.

Mr. BROWN. When I am charged with subterfuge and tricks, I propose to reply if it takes all the time. Now, I want to illustrate for a moment what I meant by rebuttal in this case. If this case had been referred to by His Excellency in chief, and he said the man had applied for that body, and we said we could not find it, and we came in and said that no such man ever came to Tewksbury to apply for a body, or there wasn't any such a body ever there, he might reply that there had been a body there and it had been buried and that he went for it, and that might be in rebuttal. But this isn't in rebuttal in any shape or manner.

Gov. BUTLER. That is to say, it only applied to putting in a thing that wasn't true. I have a case where the body was there, where the notice was sent to the man to come and get it, where the man went for it and he was told, You cannot have it till cold weather; and then he came with his coffin, robe, and grave dug, and it cannot be found. Now, that is all there is of it. If that don't contradict the whole theory of the defence, that the law is carried out at Tewksbury, I have failed to know what is competent evidence, or that evidence which bears up on men's minds.

The CHAIRMAN. Shall it be admitted?

Mr. RISTEEN. Please state the question again, Mr. Chairman.

The CHAIRMAN. The governor offers to show that this man's wife died at Tewksbury last June. He went for the body, and was told it was hot weather and he could not have it, and if he came for it in cold weather he should have it; and he went in cold weather and didn't get it. The question is, ought it to be admitted.

[The committee voted to admit the question.]

Q. (By Gov. BUTLER.) Now, sir, you said under voice here, that you dug the grave. Did you dig a grave for your

wife? A. I sent word out to the cemetery to have the grave dug the day after the evening I went to Tewksbury.

Q. And in December you went for the body? A. The first of December.

Q. Whom did you see there? A. I seen Mr. Marsh, the first person I seen.

Q. Tell him what you wanted? A. I told him what I wanted.

Q. Go on, now, and tell all that happened. A. He told me it was buried, and he didn't know what was the sickness she died of. He sent for the doctor, and the physician was away, and a woman had to come and take her place, and it was pretty hard; and she died some time during the night. I asked him what she died with, and they said she died right off, and she said —

Mr. BROWN. I pray the judgment of the committee? What has this to do with it?

Gov. BUTLER. I want to show that it was not an infectious body, so that they need not want to refuse to dig it up. They found she died of heart disease. [To witness.] Well, what then? A. I went home, and they told me to come in cold weather.

Q. That was the first time? A. Yes, sir. I went home and got an undertaker, and got a coffin, and dug a grave, and went to Tewksbury and see Mr. Marsh. I went down to the place, and could not find it.

Q. (By Mr. BROWN.) Were you present? A. Of course. I was there. He went down to the burying-ground, and could not find the grave, and so I had to come home, and take the coffin home.

Q. (By Gov. BUTLER.) And you did not get the body? A. I didn't get the body.

Q. (By Mr. PUTNEY.) Where was Mr. Marsh when you were there? A. I don't know. It was a young man.

Q. (By Mr. BROWN.) How young was he? A. A man that would pass for 30.

Q. About 30? A. I think so.

Q. Light complexion? A. Kind o' dark, I think.

Q. Kind o' dark. Cross-eyed? A. No, sir.

Q. Wasn't cross-eyed. This was the first day of December of last year, was it? A. First of December?

Q. Yes. A. No; it was the time I was there after her. It

wasn't the first of December: it was the first week in December.

Q. First week in December. And you went down there with him. Now, who went with you besides Mr. Marsh and the undertaker? A. I took the undertaker with me there.

Q. I know; but besides yourself and Marsh and the undertaker was there anybody else? A. No; not that day.

Q. You looked for a little cross which had her name written upon it, didn't you? A. I did.

Q. And could not find it? A. I could not find it.

Q. And Mr. Marsh didn't know where she was buried? A. Mr. Marsh didn't say so; the undertaker said so.

Q. In Mr. Marsh's presence? A. No, sir; the undertaker looked for the body.

Q. Then Mr. Marsh didn't go down there? A. No, sir.

Q. Then I ask you what you mean by telling this committee that he went down there? A. I didn't say any such thing.

Q. You take that back? A. Yes, sir.

Q. Then it was you and nobody else but the undertaker? A. There were three down there: the undertaker, the undertaker at Tewksbury, and myself.

Q. Mr. Marsh didn't go down? A. No, sir.

Q. And the undertaker at Tewksbury didn't know where the grave was? A. No, sir.

Q. And could not find it? A. No, sir.

Q. And your undertaker didn't know where it was? A. No, sir.

Q. Did you go back and ask Mr. Marsh to come and help you find it? A. I did not.

Q. Did Mr. Marsh say to you in any form of words, in December, that he was unwilling you should have that body? A. He did; he told the undertaker going down that if the body was not fit to be removed, not to remove it.

Q. Not without a permit? A. I don't know whether he said anything about a permit.

Q. You are employed at Mount Auburn? A. Yes, sir.

Q. You know that bodies cannot be removed in December without a permit? A. I don't.

Q. What do you do at Mount Auburn? A. I take care of lots.

Q. Take care of lots, and that is all? A. Yes, sir.

Q. Now, sir, you didn't go back to the institution at any time after that to find the grave? A. No.

Q. You did not? A. I did not.

Q. You went straight to the depot? A. I went straight to the depot when I could not find the grave.

Q. Went straight to the depot when you could not find the grave? And you never indicated to Capt. Marsh that you could not find the grave? A. No; not after that.

Q. You never communicated with any other officer of the institution that you could not find the grave? A. No.

Q. And never have to this day? A. Never have.

Q. And never complained to anybody connected with the institution? A. I complained to a good many.

Q. Never complained to anybody connected with the institution until you came here? A. No, sir.

Q. (By Gov. BUTLER.) The undertaker of the institution went with you and told you he could not find the grave? A. He did, sir. The day she was buried, the day I went there, he put the name upon the cross of the grave.

Q. (By Mr. BROWN.) You were there when the name was put upon the cross in the first place? A. I was.

Q. And when you went there in December you could not find the grave? A. I could not find the name. I found the cross.

Q. But you could not find the cross with the name of your wife on it? A. No, sir.

Q. Did you write the name on the cross? A. No, sir; the undertaker wrote the name in my presence.

Q. What was the name of the undertaker? A. I don't know.

Q. (By Mr. CHESTER.) What did the undertaker write the name with? A. With pencil.

Q. With an ordinary pencil? A. Yes, sir.

Q. Did you find names on other graves legible? A. Yes, sir.

Q. You can read? A. Yes, sir.

Q. And could read the name upon the cross? A. Yes, sir.

TESTIMONY OF WENDELL PHILLIPS (*sworn*).*Direct examination by Gov. Butler.*

Q. How long have you known Dr. Dixwell — Dr. John Dixwell? A. Well, I have known him ever since he was a boy, more or less. I have known him more for nearly the last seven or eight years from having been a fellow-worker with him in different societies.

Q. You knew his family? Dr. Bowditch, his uncle, was a noted man in his time, both professionally and philanthropically?

A. The time hasn't gone, sir; he is living.

Q. When I said his time, I meant during the time he was noted? A. Yes, sir.

Q. Now, sir, what is the character of John Dixwell for truth and veracity?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. What is the trouble?

Mr. BROWN. I don't understand that that is the way to rebut evidence when a man has been impeached.

The CHAIRMAN. I understood the governor to ask what his reputation was.

Gov. BUTLER. I said what his character was. I will put it in the form of character.

Mr. BROWN. You objected to that form of question in my instance.

The CHAIRMAN. The question should be, what his reputation is.

Q. (By Gov. BUTLER.) What is his reputation? A. I never heard it questioned in the world. I would believe him on oath and without oath, implicitly.

Q. You say you have been a fellow-worker with him in various societies; you mean charitable and benevolent societies? A. Yes, sir.

Q. Whether he is a lunatic or not? A. Well —

Mr. BROWN. I pray the judgment of this committee. I suppose Mr. Phillips isn't an expert upon insanity.

Gov. BUTLER. It isn't a question of experts on insanity.

Mr. BROWN. You put the question as you never put it before.

Gov. BUTLER. You can have a chance to put it the other way. [To witness.] Whether you have ever known of his being a lunatic? A. No, sir.

Q. Or doing any insane action whatever? A. No, sir; never.

Q. Ever heard anything of that kind until after this investigation? A. No, sir.

Gov. BUTLER. The witness is yours.

Cross-examination by Mr. Brown.

Q. Mr. Phillips, how frequently have you seen him in the last three years? A. More frequently than I saw him before. I see him as a man sees a person who is working with him, now and then, but I see him oftener and keep track of him all the time.

Q. Now, let us take the matter of his soundness of mind. You say you never heard anybody raise the question that Dr. Dixwell was not of sound mind? A. Never; never.

Q. Have you read the testimony of Edward Frothingham given here yesterday? A. No, sir; it wouldn't alter my opinion in the least.

Q. I didn't ask you that. A. I haven't read any testimony. What I know I know, and I don't want any other man's opinion.

Q. Then the testimony of experts that he was of unsound mind, or the testimony of his friends that he was doing things which indicated unsoundness of mind, wouldn't affect your judgment? A. Not the slightest. I should judge for myself whether he was of sound mind or unsound. I have seen him intimately enough to be perfectly well convinced that he was of sound mind: but, having been suspected of having been of unsound mind myself, I don't place much reliance upon those suspicions. A very earnest, devoted and indefatigable man, who walks straightforward to his purpose without letting anybody interfere with him, is nine times out of ten suspected of unsound mind.

Q. Is that your experience? A. Yes, sir.

Q. Well, the opinion of Mr. Hecht who saw him as a co-worker in assisting the Russian Jews —

Gov. BUTLER. I beg pardon; not a co-worker, but a worker against him.

Mr. BROWN. They both had worked together.

Gov. BUTLER. There was no such testimony.

Mr. BROWN. I beg pardon. The testimony of Mr. Froth-

ingham was that Mr. Hecht told him the same thing, and that they worked together.

Gov. BUTLER. Mr. Frothingham didn't say Mr. Hecht was undertaking to assist the Jews. That is the distinction.

Mr. BROWN I didn't say he did.

Gov. BUTLER. I beg pardon.

Mr. BROWN. But he said Mr. Hecht was at the head of a Hebrew society which undertook to assist the Jews.

Gov. BUTLER. I beg pardon; he didn't.

Mr. BROWN. Then I will frame the question differently. I don't want you to take up any more of your time.

Gov. BUTLER. I will take my own time.

Mr. BROWN. I will change the question. [To witness.] Do you know Mr. Hecht? A. I do, sir.

Q. Do you know Mr. Edward Frothingham? A. I don't. I have heard of him.

Q. Did you ever hear that Dr. Dixwell was expelled from the Society for the Prevention of Cruelty to Children? A. I knew there was a difficulty in that respect. I never knew the reasons why. I have had forty years' experience in societies. I don't always take the ground when a man has a quarrel with a society that the man is necessarily wrong. In a quarrel between Mr. Hecht and Mr. Frothingham and Dr. Dixwell, I should believe him ten times where I should believe them once.

Q. And you don't know them? A. No, sir; I don't know them. I would hear the testimony of a man whom I knew against those I didn't know. Would you take the testimony of a man whom you didn't know against the testimony of a friend whom you knew?

Q. I am asking you questions now. I want to know whether you would believe Hecht? A. No. I have served as clerk in a criminal court. I have seen the same men telling the same story in different ways and I don't believe they necessarily lied.

Q. The question was whether you had ever heard that he was suspected of unsoundness of mind? A. I never did.

Q. To which you reply no? A. I do.

Q. Now, I call your attention to the fact that several people have suspected him of unsoundness of mind, and I ask you whether you would consider them as truthful or worthless? A. I should set them down as worthless.

Q. Now I ask if Mr. Hecht —

Gov. BUTLER. Let him answer the question.

MR. BROWN. You are taking considerable of your time.

GOV. BUTLER. Never mind about that. You have put a question to the witness; let him answer it.

THE WITNESS. What I have to say is this: I know Dr. Dixwell thoroughly. I don't know these other people. I don't place implicit confidence in the judgment of what you call experts. I have had an experience of 40 years on that subject. I have known men sent to insane asylums on the oaths of doctors, who were as sound as you are to-day. I have seen an immense amount of injury done by them. I know Dr. Dixwell so well that it would take a large amount of evidence to convince me he had the slightest aberration of mind.

Q. Now let us come back to the question. You don't know but Mr. Hecht is just as reliable as Dr. Dixwell? A. I don't.

Q. Now if he was just as reliable as Dr. Dixwell and he had occasion to say Dr. Dixwell was wrong in his mind, wouldn't that raise a suspicion in your mind? A. Not the least.

Q. Wouldn't it set you upon your inquiry? A. It might set me upon inquiry, but it wouldn't raise suspicion.

Q. Now, suppose, added to the testimony of Mr. Hecht you should have the testimony of Mr. Frothingham whom you didn't know, but who may be just as trustworthy as Dr. Dixwell, would his testimony raise suspicion in your mind? A. No, sir; not in the least.

Q. Wouldn't it put you on your inquiry? A. That would depend upon the word of the men.

Q. But I say, suppose they were just as good as Dr. Dixwell? A. If they were just as good as Dr. Dixwell it would put me upon my inquiry.

Q. Now wait a moment. Suppose you had the testimony of three physicians at the medical school and one in college with him who had known him for fifteen years, all equally reliable as Dr. Dixwell, who should say he was of unsound mind, and should give instances of exaggerated stories he had told them, would that put you further upon your inquiry? A. It might put me upon my inquiry.

Q. Now, let us take this and, added to all that has been said, this: that Dixwell should testify that he dissected two babies a week at the Harvard Medical School for a period of three years, when as a matter of fact, shown by other testimony, there were no babies there, — would that lead you to suspect?

GOV. BUTLER. I object to the question.

Mr. BROWN. I put it as a hypothetical case.

Gov. BUTLER. You have no right to put it as a hypothetical case.

Mr. BROWN. I think I have.

Gov. BUTLER. I beg pardon; you undertook to put in what Dixwell said about the school-teachers.

The CHAIRMAN. That was rejected.

Gov. BUTLER. The difficulty is, we had a witness yesterday who saw babies there.

Mr. BROWN. He didn't see two a week.

Gov. BUTLER. He was there only once.

Mr. BROWN. He said he had dissected two a week.

Gov. BUTLER. I beg pardon.

Mr. BROWN. Never mind, I will go on. [Q. to witness.] Now, Mr. Phillips, when a man in sober earnest, with a great deal of decision and determination, persists in an assertion that he accomplished an impossible thing, do you regard that as evidence of unsoundness of mind?

Gov. BUTLER. I object. There is no evidence that dissecting two babies a week would be impossible.

Mr. BROWN. I haven't said anything about babies. You are always harping upon the babies.

Gov. BUTLER. Yes; and I shall continue to for a good while.

Mr. BROWN. You won't be doing any mischief as long as you do that.

Gov. BUTLER. There is no evidence that he has asserted an impossible thing. That is no test against Dr. Dixwell. It makes no test against him.

Mr. BROWN. Mr. Chairman, that is a hypothetical case, coming within the rule laid down by His Excellency, yesterday. That is the reason I withdrew the first question and made this, because His Excellency has put himself upon record in favor of the use of hypothetical cases. Now, we all know Mr. Phillips very well. Mr. Phillips has expressed himself very strongly and with a great deal of feeling about Dr. Dixwell, and I want to see what will change his opinion, and I will let the committee draw their own inference from it. And so, I put a hypothetical case.

Gov. BUTLER. The only hypothetical case, yesterday, was this: If a man should say the moon was made of green cheese—that is the only one.

Mr. BROWN. I will put the same one.

Gov. BUTLER. No. Now, to show how utterly wrong this

man is, I said that hypothetical cases were never put to witnesses upon the question of truth and veracity.

MR. BROWN. This man is upon his character for truth and veracity.

GOV. BUTLER. Let me proceed without explanations. No hypothetical case is ever put to a witness upon truth and veracity. No hypothetical case is ever put to a case of insanity, except to a man who is set up as an expert in insanity; and then you can put a hypothetical case in insanity. But to plain men you don't seek to control their judgment by putting a hypothetical case. That is the rule laid down yesterday, and I reiterate it.

MR. BROWN. I would like to have you find where you laid down the rule yesterday.

GOV. BUTLER. It is the rule of common-sense, and governs everywhere.

THE CHAIRMAN. The committee will vote upon it.

MR. BROWN. I will withdraw that and make another. [To witness.] If Dr. Dixwell, in apparently sober earnestness, should persist in saying that he had made full investigation, and had an opportunity to judge, or such an opportunity as science would give him,—should persist in saying that the moon was made of green cheese,—would that affect your judgment? A. I should say he was crazy.

MR. BROWN. That is all upon that subject.

GOV. BUTLER. Don't answer so quickly, Mr. Phillips. I wanted to object to that question, because I insist still that if a man persists in breaking all the rules, that you cannot put a hypothetical question in this class of testimony, and thereupon he proceeds directly to put one and get an answer, which would cause a reprimand if he stood in a decent court of justice.

MR. BROWN. And presented by counsel of that same character.

THE CHAIRMAN. We have got so used to those things I don't suppose it is necessary to take notice of it.

GOV. BUTLER. What is the use of taking notice? You cannot reprimand him here. You are not a court of justice.

THE CHAIRMAN. You didn't refer to the committee at all?

GOV. BUTLER. I beg pardon. I said the chairman cannot reprimand him. I said if it was in a court of justice.

THE CHAIRMAN. You didn't have any reference to the committee at all.

Gov. BUTLER. I have insisted that the committee should not give an opinion of counsel and cannot reprimand him.

The CHAIRMAN. I think the committee should keep order over the counsel as well as the room.

Gov. BUTLER. They may keep order among counsel, but they should not vent their private spite upon counsel.

Q. (By Mr. BROWN.) You never heard anybody call in question Dr. Dixwell's reputation for truth and veracity? A. Never; never. I read it in the report in the papers of the proceedings before this committee, and I laughed at it.

Q. Have you made any inquiry as to what his reputation is for truth and veracity? A. I should think it an insult to a friend of a dozen years to make such an inquiry, and I have never insulted Dr. Dixwell.

Q. And you feel toward Dr. Dixwell, notwithstanding all that has been said, that you wouldn't inquire about among his friends to see if these men have been telling the truth? A. No, sir; nothing said up here would affect me.

Q. The testimony under oath wouldn't affect you? A. I haven't seen a witness here a word of whose testimony I would believe under oath as quick as I would Dr. Dixwell.

Q. Consequently you have made no inquiry? A. I saw him within a few weeks; since this began.

Q. Since the first of June? A. I think it was the very end of May; I forget the precise day. I think about the end of May.

Q. (By Gov. BUTLER.) I haven't spoken to you upon this subject before? A. No, sir.

TESTIMONY OF AGNES CALDER (*recalled*).

Direct examination by Gov. Butler.

Q. Mrs. Calder, I have a memorandum of a conversation,--- a memorandum that you took back certain charges which you have made here at the state house, and also made in Tewksbury,--- made by Dr. Lathrop on the 13th of April. A. No, sir. I have never taken back a thing I have said; not a thing. No board of charity, and no soul, has ever asked me a question about it, and I have never taken back a thing. I saw it in the paper.

Q. Wait a moment. You saw it in the paper. Now, if the committee please, I want to ask this witness,---the committee will remember that Miss Calder testified here she had made

representations to the authorities, and it was made a part of the charges which the board of state charities sent to the governor—and Dr. Lathrop brought in what he claimed as a record that she had recanted. I am going to ask to show, first: that Dr. Lathrop wasn't the physician there at all when the woman was kicked, and the mark of the boot was found on her, and that the very statement made in this memorandum is false, this memorandum being got up for the occasion.

MR. BROWN. Let me see that, Governor, please. [Gov. Butler handed Mr. Brown the book.]

GOV. BUTLER. The memorandum being put into the book for the occasion on the 13th of April this year.

THE CHAIRMAN. What is that book?

GOV. BUTLER. That is the book Dr. Lathrop produced here as his medical record of what happened in Tewksbury. Then in the trustees' record—

MR. BROWN. I don't understand, Governor, what you claim this to be.

GOV. BUTLER. I claim that this is a record of an examination made by Dr. Lathrop, of Miss Agnes Calder, as he says, put in here on the 13th of April last.

MR. BROWN. At the time when she made these charges at the institution?

GOV. BUTLER. No, sir.

MR. BROWN. What I wanted to get at, is, when do you claim that that record of Dr. Lathrop was made?

GOV. BUTLER. [Reading.] "The above note was made when Miss Calder was discharged, or about that time, April 13, 1883. William H. Lathrop."

MR. BROWN. That is when he wrote it, April 18th. When do you claim to understand he made that memorandum?

GOV. BUTLER. When he wrote it.

MR. BROWN. When did he write it?

GOV. BUTLER. About that time. I don't care when.

MR. BROWN. When do you claim Miss Calder was discharged?

GOV. BUTLER. I was trying to ascertain. I am going to contradict every word if I can.

THE CHAIRMAN. Do you remember whether this was spread upon the records?

GOV. BUTLER. I don't know whether it was spread upon the records or not.

Mr. BROWN. This is the first time it has been referred to.

Gov. BUTLER. Whether it was or not won't make any difference. I first examined Trustee Nourse about Miss Calder. Dr. Lathrop I examined carefully whether he saw the bruises, and he said the bruises, the black-and-blue spots, came after death. And he saw Miss Calder, and she said she didn't see the body until after death. And then I called for his medical record, and he produced it with this note in it, but it hadn't been produced until to-day. I am going to show that a false record was kept there for the purpose of screening the management, if I can be permitted. I can contradict every word of it.

The CHAIRMAN. If this has been put into the case it seems to me it is competent to contradict it by this witness.

Gov. BUTLER. Whether it is part of the case or not, it is part of the books of the institution which I can show to be false.

The CHAIRMAN. On that point I think you should have shown it before.

Gov. BUTLER. How could I? How did I know that this book would be brought in by Dr. Lathrop; and it never was brought in until he was on the stand, and he lied about it. How did I know that before he was called?

The CHAIRMAN. If that book was brought here and no notice taken —

Gov. BUTLER. I beg pardon; I didn't have my attention called to it until Dr. Lathrop produced it himself, long after my case was completed.

The CHAIRMAN. I think it is competent.

Mr. BROWN. I understand that His Excellency's claim is this was made about the time when Miss Calder testified.

Gov. BUTLER. That is not my claim. I will state the whole case. Agnes Calder was a nurse in the hospital. There was an insane woman, I forget her name, brought into the hospital very much injured. She said that Emmons French injured her. About that there was no dispute — that she was injured. That was some time in April, 1876, before Dr. Lathrop came there. Dr. Nichols was then the physician in attendance. She made complaint as she swore before you — Miss Calder did — both to Capt. Marsh and to others, and to the physician who was there then, Dr. Nichols. After she made that complaint she was notified that at the end of the month her services wouldn't be longer required, and then Dr. Lathrop had been appointed phy-

sician. He gave her a recommendation to go out, and she went out on the first day of July, 1876. She came immediately here to the state house and made complaint that this woman had been kicked to death. That complaint was sent for investigation to Tewksbury. Then Dr. Lathrop, dealing with facts that took place when he was n't there, put in his medical history this statement, about which I cross examined him, that Miss Calder had taken it all back. Mr. Nourse, in his letter in relation to the investigation, which he made in one day, and signed a letter which he didn't write — which is a favorite trick of that class of state officers — then said that Mrs. Calder took all back which she said. I am now asking to prove to this committee, in rebuttal of that testimony of Dr. Lathrop, which was that the black-and-blue spots were those which occurred after death — I propose to prove that there isn't a word of that true. This is the memorandum I propose to contradict! — [Reading.]

“ Mrs. Calder did not know where the spots were. Did not change patient's

I suppose that is, changed patient's dress.

“ Did not lay her out. Did not see her dead. Did not know on what occasion she saw the spots. Woman was very crazy and very feeble.”

I guess that is the only true thing here.

“ Miss Calder never related her story to any hired help or physician.”

Then he puts down at the bottom of that :

“ Above note was made when Miss Calder was discharged, or about that time, April 13, 1883.”

The CHAIRMAN. I think you can contradict Dr. Lathrop by this witness.

Gov. BUTLER. This is the memorandum which he swore to.

The CHAIRMAN. Unless the committee think otherwise, I think it is competent.

[The committee voted to admit the question.]

Q. (By Gov. BUTLER.) Now, Miss Calder, I want to fix some dates. When was it that that woman whom you swore to

before as having the prints on her body of Mr Emmons French's boot — when did that happen? A. I left in June, and this was in the winter some time; I don't know what part of the winter, but it was before Dr. Lathrop ever saw the institution.

Q. Some time in the winter, and you left in June? A. Yes, sir.

Q. And you left the last day of June? A. I left the first day of July. I got notice the first day of June to leave the first day of July.

Q. And you left? A. Yes, sir; I left the first day of July.

Q. (By Mr. BROWN.) What year? A. 1876.

The CHAIRMAN. The testimony of page 216 is that she left on the first day of July, 1877.

Mr. BROWN. She shifted it a year.

Gov. BUTLER. It don't matter. This complaint was dealt with in the investigation.

Mr. BROWN. Where do you find any evidence of that?

Gov. BUTLER. Hand me that report. It is just as bad to state what you don't know to be true as to state what is false. At the special meeting, April, 1876; you will find it on this book. [Handing him a book.]

Q. (By Gov. BUTLER.) It was the winter before you left? A. Yes, sir.

Mr. BROWN. Where do you find the April special meeting? The heading of that meeting says September 4th.

Gov. BUTLER. Yes, sir; you will find it in two places. You may have this one, if you would rather. [Turning over the pages.]

Mr. BROWN. I want to be right. You may take your choice.

Gov. BUTLER. This is April 4th, special meeting, and it is at the time when this report was made. So we fix the time.

Q. Now, you left in July? A. Yes, sir.

Q. (By Mr. BROWN.) What year? A. It is six years ago. You know how long.

Q. Seventy-seven? A. It is six years this July.

Q. That makes it seventy-seven. You stated before it was seventy-six? A. I didn't state anything about seventy-six or seventy-two. Don't you state anything but the truth.

Gov. BUTLER. You will make it much worse.

Q. Now, whenever this was. It was the winter before when this woman was kicked? A. Yes, sir; it was.

Q. And you saw, as you told us before — I only want it for identification — the mark of the boot upon her side? A. Yes, sir; I did. And I laid her out with my own hands. It was a mark right here, and she was abused in every way. Oh! Said I —

Mr. BROWN. Never mind that.

Q. (By Gov. BUTLER) Was she brought into the hospital alive after she was kicked? A. Yes, sir; in a basket.

Q. Did you see these marks on her before she died? A. Yes, sir; I did.

Q. Did you lay her out? A. Yes, sir; I laid her out with my own hands.

Q. And there were other spots, as you told us before? A. Yes, sir.

Q. And this woman was a crazy woman? A. Yes, sir.

Q. And very feeble? A. She wasn't such a feeble woman. She was out in the yard the day before.

Q. Now, then, when that was done, who was the physician at the hospital? A. Dr. Nichols. Miss Nellie gave the medicine, and Dr. Nichols was there to oversee.

Q. Did you call Dr. Nichols' attention to it? A. I did, and showed him those places on her.

Q. Now, then, have you ever told any different story than this to anybody? A. No, sir; I didn't to anybody.

Q. Did you call the attention of Mr. Thomas Marsh to it? A. I told Mr. Thomas J. Marsh — young Thomas —

Q. We will call him Thomas for short.

Mr. BROWN. Now wait a moment. This isn't in contradiction.

Gov. BUTLER. Yes, it is.

Mr. BROWN. The committee said you might contradict Dr. Lathrop. There has been no ruling upon an attempt to contradict a man who hasn't been on the witness-stand.

Gov. BUTLER. I will not attempt to contradict him. You will not pay attention, or else you forget. Now, the memorandum made after Dr. Lathrop got there, and who didn't know anything about it, is that Miss Calder never related her story to any hired help or physician.

Mr. BROWN. Is there any hired help or physician who has come here, except Dr. Lathrop, and stated anything?

Gov. BUTLER. No, sir.

Mr. BROWN. Then you are not contradicting anybody.

Gov. BUTLER. I am contradicting Dr. Lathrop's statement. What is the matter with you?

Mr. BROWN. Nothing; nothing whatever.

Gov. BUTLER. I will begin with this statement.

Mr. BROWN. It has been read once.

Gov. BUTLER. I am going to ask the witness this:

Q. Did you ever tell anybody you didn't know where the spots were? A. No, sir; I did not.

Q. Did you ever tell anybody you didn't change the patients' clothes? A. No, sir; I changed the patients' clothes whenever it was needed.

Q. Did you ever tell anybody you didn't lay her out? A. No, sir; I never told a soul in the world.

Q. Did you ever tell anybody you didn't see her dead? A. No, sir; I did not.

Q. Did you ever tell anybody you didn't know on what occasion you saw the spots? A. No, sir; I never told anybody such a thing.

Q. You have already stated that you related it to Thomas Marsh? A. Yes, sir.

Q. And Dr. Nichols? A. And Dr. Nichols and Thomas Marsh. I went and called Mr. French, and asked him what was the matter; and Mr. French said —

Mr. BROWN. Wait a moment.

Q. (By Gov. BUTLER.) You did relate it to Mr. French? A. Yes, sir; and he told me to mind my own —

Mr. BROWN. Wait a moment.

Q. (By Gov. BUTLER.) Did you tell Thomas Marsh you would complain of it at the State House as soon as you got down here? A. Yes, sir.

Q. Did he come with you? A. Yes, sir; he followed me into the State House.

Q. Did he come up here? A. Yes, sir.

Q. Since you made that statement at the State House has anybody from Tewksbury, or any officers of the State asked you about this matter, until you came here? A. No, sir; not a soul.

Q. Are you a member of the church at Tremont Temple? A. Yes, sir; I have been a member of it for eighteen years.

Cross-examination by Mr. Brown.

Q. Miss Calder — I believe it is Miss; isn't it? A. Yes, sir.

Q. When did you leave Tewksbury? A. I told you when I left Tewksbury. What in the world do you ask it again for? I answered it half a dozen times. Didn't I tell you I left it six years ago the first day of July?

Q. The first day of July? A. Yes, sir.

Q. 1883? A. Yes, sir.

Q. Are you perfectly certain about it? A. Yes, sir.

Q. You don't want to change that? A. No, sir; I don't want to change that, for if I changed it, it would be wrong. I don't want to have it said, when I die, that I went up here and told a story to you or anybody else. I want, when I die, to go to heaven. I don't want to tell a story. I don't get fifty dollars a day for telling a story. You can do that.

Q. Now, under that solemn situation, Miss Calder, and after a good deal of consideration, you are perfectly certain then, that you left there— A. Yes, sir; I can show you the books.

Q. —On the first day of July, 1877? A. Yes, sir.

Q. No doubt about that? A. Yes, sir. When I left there, it was six years ago the first of July.

Q. That makes it 1877? A. Yes, sir; you know a great deal better than I do. You are a lawyer, and I am nothing but a servant girl.

Q. Cannot you reckon back six years? A. Yes, sir, I can; because I am not so foolish as that.

Q. 1877; and you mean to tell this committee that it was on the first of July, 1877? A. I didn't tell them it was on the first of July, 1877.

Q. What did you tell them? A. I told them I left there six years ago on the first day of July.

Q. You could not tell the committee that, when you left the institution on the first day of July, 1877, Dr. Lathrop wasn't there? A. I told you he was in the employ of the institution when I left, and he wasn't there when the woman was killed. Cannot you understand that? I am afraid of you, anyway, you look so cross.

Q. I will look more pleasant. A. I hope you won't tell anything but the truth. I heard you tell many things yesterday

that were not true. Do you think Mrs. Marsh didn't go into the baggage-room? She did.

Q. You want to suppress your willingness. A. I want to tell the truth.

Q. Now, Miss Calder, have you testified in this investigation that, when you left the institution, that Dr. Lathrop wasn't connected with it? A. No, sir; it was another dough-head. I don't know who it was; I forget his name.

Q. You have never testified that, when you left, Dr. Lathrop was not connected with the institution? A. No, sir.

Q. And if you did so testify, and if there is any record of that fact, it is a mistake? A. Didn't I tell you so? Didn't I tell you he gave me a letter?

Q. Wait a moment; don't get excited. A. I am not excited; but I don't want you to tell anything but the truth.

Q. You are perfectly certain of that? A. Of course I ain't so big a fool as not to tell the truth.

Q. You don't mean to say you are not partial that way? A. Dr. Lathrop— Didn't I tell him here to his head that he was there?

Q. When did Dr. Lathrop come to the institution? A. He came some time in the spring; I don't know.

Q. In the spring of what year? A. The same year that I left.

Q. The same year which you left in July, he came there in the spring? A. Yes, sir.

Q. And about how long before you left, — two or three months? A. Yes, sir; a month or two.

Q. Not more than three months? A. It could not be more than that. It was in the winter the woman was hurt, and he came there after that.

Q. It was in the winter before you left that the woman was hurt? A. Yes, sir.

Q. And if you left on the first day of July, 1877, it was in the winter of 1876 that the woman was hurt? A. Yes, sir.

Q. You won't take that back for anything or change it? A. No, sir.

Q. Because that is God's truth? A. Yes, sir; because the woman was hurt in the winter.

Q. Now, you don't want to change that on reflection? A. No, sir; I have told it always.

Q. That is solid, isn't it? A. Yes, sir.

Q. Can you read? A. Yes, sir; I can read.

Q. You can? A. Yes, sir; I can. You have had impudence enough about it.

Q. Won't you read, say, that first column? [Handing her a newspaper.] A. No, sir; not for you nor no other man in the house; so you can rely upon that. Go down to Tremont Temple and ask the deacons whether I can read.

The CHAIRMAN. I believe it has been settled we cannot compel anybody to read.

Mr. BROWN. I know we cannot compel, but I supposed I could induce her.

The WITNESS. No, sir; you cannot induce me, nor no other man that looks like you.

Q. You cannot be induced to give us an exhibition? A. No, sir; not to you.

Q. Where are you now employed? A. I am employed where I am. The lawyer that comes for me knows where I am; it is no matter to you. You have nothing to do with it.

Gov. BUTLER. Your whole life was examined into.

Mr. BROWN. She won't be likely to get away from here until she answers my question.

The CHAIRMAN. You may answer. The governor will object to anything improper.

Q. (By Mr. BROWN.) I want to know where you live. A. You know where I live.

Q. Are you employed in some place? A. Yes, sir; where I have been employed since I left Tewksbury.

Q. Now, madam, who are associated with you there? A. Who are associated?

Q. Give me the names of some ladies? A. Every lady that was there when I left is gone.

Q. Who has been employed there, at the institution, and associated with you since you were on the witness-stand in the early part of this investigation? A. A great many ladies.

Q. Give us the names of some of them associated with you? A. Well, there is Mrs. — she is now in Europe, the matron that was there then.

Q. What was her name? A. Her name was Brewster.

Q. Brewster? A. Yes, sir.

Q. What was her full name? A. I don't know.

Q. Mrs. Brewster? A. Yes, sir.

Q. Who else? A. The matron that came there Sunday night.

Q. Well, can you think of the name of anybody who was in that institution and has been there since you were here on the witness-stand before? A. Since I have been here before. Well, there was Miss Brewster and Miss Drake. I forget the seamstress. They are every one gone and left.

Q. Haven't you repeatedly stated to Miss Brewster and other ladies there, that you could not read, and asked them to read to you the report of this investigation? A. No, sir; they never have read the investigation to me since I have been there.

Q. And you never called upon them to read to you because you could not read? A. No, sir; Mrs. Brewster was never asked to read to me in this world.

Q. Did you ever call upon any ladies there to read to you? A. No, sir. A lady never read to me since I have been in the institution. Some of the children might take the papers to read it. Now, don't tell anything but the truth; and nobody knows anything but what they see for themselves, and know themselves.

Q. But you can read? A. Yes, sir. Where it came from in the first place. Mr. Tom Marsh came early in the morning to get my pay, and —

Q. Wait a moment. Now, won't you read a sentence? A. No, sir; not a word.

Q. Not a syllable? A. No, sir.

Q. Now if you could read, would you? A. No matter whether I would read that or not. I will not do it for you.

Q. Won't you do it for the governor? A. No, sir; the governor is more of a gentleman than to ask me.

Q. He wouldn't ask impossibilities of you, would he? A. He knows —

Q. He knows you cannot? A. The governor don't know whether I can read or not. What does he know about it?

Q. I know you cannot. A. You don't know anything about it. What do you know about it? I have been in one class for fifteen years in the Tremont Temple sabbath school, and anybody will tell you I know how to read, and I answer as many questions as any one else. So now you can fix up your old face. Well, you are the homeliest man I ever see.

Q. Now if you could read, and the governor should ask you—

Gov. BUTLER. Is the whole of this day to be used up in this way? I submit to the committee.

The CHAIRMAN. I don't think I would pursue that any further, Mr. Brown.

Q. (By Mr. BROWN.) Now I want to ask you — A. I suppose you got in company with Miss Brewster. She is like yourself. She was turned away from the institution. I suppose you got in her company.

Q. Now I want to ask you again if you are perfectly certain of the day of that woman's death. She died in the winter before you left in July? A. Yes, sir; she did. •

Mr. BROWN. That is all; I am greatly obliged to you.

Q. (By Gov. BUTLER.) And that was before Dr. Lathrop came into the institution? A. Yes, sir.

Mr. BROWN. That is all.

Gov. BUTLER. That is all.

Gov. BUTLER. I find this Agnes Calder's name for the last time in the report, as paid, in the report of '76, paid a part of a year. I find in the records of the institution that she was paid up to July first, 1876.

Mr. BROWN. Oh, but she denies that; she says she left six years ago. Probably there has been a fraud at the auditor's office!

Gov. BUTLER. If that is proper to say, I am content; and her last payment was \$22.14; she left July first, '76, and was not there since. Now I want to read from the trustees' record?

Mr. BROWN. What is the date?

Gov. BUTLER. She was never there afterwards in the world. It is under the date of, — it gives the date in it.

Mr. BROWN. The date of the meeting?

Gov. BUTLER. The date of the meeting, — it was a special meeting in 1876.

Mr. BROWN. September 4, I think you will find, if you turn to an earlier page.

Gov. BUTLER. That is of no consequence. [Reading.]

“The complaints of Agnes Calder against Emmons French, of bad treatment of the insane, particularly of Mrs. Flemming” — and that is the woman's name — “having been carefully heard, July 31, by her own statements and that of Drs. Lathrop and Marsh, Mrs. Wardwell and Mrs. Emmons French, were deemed by the board of inspectors to be unfounded. Charles B. Marsh, Clerk.”

That is the last entry on the page. I now want to call Dr. Talbot.

Mr. BROWN. Let me take that one moment. [Referring to inspectors' record.]

Gov. BUTLER. Certainly.

Mr. BROWN. Mr. Chairman, the governor has only read a part: the date of the meeting appears to be September 4, '76.

Gov. BUTLER. September 4, '76, was the time the report was made.

Mr. BROWN. When the meeting was held.

Gov. BUTLER. When the meeting was held; it says the examination was made July 31.

Mr. BROWN. Dr. Lathrop, I see by the record, page 2155, went to the institution Oct. 1, '75.

Gov. BUTLER. But was appointed physician —

Mr. BROWN. October 1, 1875.

Gov. BUTLER. No, sir.

Mr. BROWN. Well, look at page 2155 of the record.

Gov. BUTLER. Pardon me, now, I don't want to look; I know all about it. Dr. Lathrop went there, as he testifies, in 1875; he was appointed resident physician, and that is what she means by his being the physician, resident physician, in March, after March, 1876, because then the law was passed making a resident physician.

The CHAIRMAN. It is all in the record, Governor.

Gov. BUTLER. It is all in the record; we know all about it.

TESTIMONY OF I. TISDALE TALBOT (*sworn*).

Direct examination by Gov. Butler.

Q. Now, Doctor, you are some officer, and if so, what, in the Boston University of Medicine? A. Boston University School of Medicine; I am the dean.

Q. Have you received bodies from Tewksbury? A. I have never received them personally at all; I have had the accounts of them come to me, which I have had verified, and have paid the bills.

Q. And to whom did you pay the bills? A. I paid them by check to Thomas J. Marsh, Jr.

Q. How many bodies have you received from Tewksbury in the last — since your college has been running?

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. We have been all over this once, and the only

reason I called this gentleman was because Dr. Hastings could not testify, she not being the proper officer.

MR. BROWN. Then we have not been over it, if she could not testify.

GOV. BUTLER. She could not testify to the number, but the matter was ruled in.

THE CHAIRMAN. Ruled in that the book might be shown.

MR. BROWN. That it might be shown by the books; that is all.

GOV. BUTLER. Pardon me: suppose I can show it by the man that carried them there; wouldn't that be just as good?

MR. BROWN. This man doesn't say he carried them there.

GOV. BUTLER. The man that paid for them.

MR. BROWN. This is the position of this matter. This don't contradict anybody.

GOV. BUTLER. How do you know?

MR. BROWN. The only report which His Excellency has allowed to go into this case is the report of the trustees of this institution, that 585 bodies —

GOV. BUTLER. We went all over that yesterday and spent half —

MR. BROWN. Were delivered between the first of October, '73, and the first of October, '82; but the report which shows what of these bodies went to this institution, and what went to other institutions, His Excellency has excluded.

Q. Did you bring the books with you, as you were ordered?

A. I don't know, sir, what books you refer to. We have no books for this special thing. I have been over all the accounts for the last ten years, and have a statement that I am prepared to swear to of the bodies delivered and the amounts paid. I supposed that was what the committee desired to know.

GOV. BUTLER. Well, we will see. Go on, sir.

MR. BROWN. Now, this does not contradict anybody. The report which I have offered, and which His Excellency has endeavored to get excluded, and has so far succeeded, does make a statement, and if that report was in evidence I should be perfectly willing to waive my objection; but until that report is in evidence, Mr. Chairman and gentlemen, I say that this is not in rebuttal in any way, shape or manner.

THE CHAIRMAN. The lady doctor yesterday testified that 148, if I remember, bodies were delivered to this institution.

MR. BROWN. She could not tell within what time.

The CHAIRMAN. And the question, then, was how much money was paid, and the objection was that the books should be produced to show that.

Gov. BUTLER. Now we have got the man that paid it.

The CHAIRMAN. Yes; I think you can show what he paid.

Gov. BUTLER. Yes; we had it all over, yesterday. So much time must be taken, of course.

Mr. BROWN. I shall insist on my objection unless the governor will allow the report, which is in the hands of the chairman, to be put in evidence. If he will allow that, I will make no objection. He says this is for the purpose of verifying that report.

Gov. BUTLER. No, sir.

Mr. BROWN. It is for the purpose of verifying something never in evidence.

Gov. BUTLER. No, sir.

Mr. BROWN. That is what he said yesterday; I don't know what he will say to-day.

The CHAIRMAN. I suppose it is to contradict the 495 bodies.

Gov. BUTLER. Yes.

Mr. BROWN. How does it contradict it?

Gov. BUTLER. We argued that yesterday, and the committee allowed it in; I hadn't got the right witness, that is all.

Mr. BROWN. Between certain dates.

The CHAIRMAN. From October 1st up to last September.

Mr. BROWN. From Oct. 1, 1873, to Oct. 1, 1882, nine years.

The CHAIRMAN. Didn't Dr. Hastings confine her testimony to that date?

Mr. BROWN. Her testimony was not confined to these dates; I objected to it, but finally allowed it to go in, because I saw that it must finally be rejected.

Gov. BUTLER. The committee ruled it in after full argument, yesterday, in which I stated the ground.

Mr. BROWN. I shall insist upon my objection, Mr. Chairman, unless His Excellency is willing the statement should go in.

Gov. BUTLER. I am not going to make any bargains; you need not try that again on me.

Mr. BROWN. I don't expect you to make any bargains.

Gov. BUTLER. Not a bit.

[The question was admitted.]

Q. Now, sir, how many bodies have you received? A. I

have made a memorandum, here, directly from the books, from November, 1873, up to the present time. As I understand the question, it is up to October, 1882.

Q. No, sir; up to the present time, first. A. Up to the present time 148 bodies have been received by the Boston University School of Medicine.

Q. How much did you pay for them? A. \$2,359.

Q. How much apiece? A. It was about \$16.

Q. A little over or a little under? A. That was the sum.

Q. I don't ask anything but figures, now. A. \$16 was the price.

Q. \$16? A. That was paid.

Q. And that was paid to Thomas J. Marsh? A. Yes, sir.

Q. Precisely so. Was one of the grandchildren of the Marshes educated in your college?

Mr. BROWN. I pray the judgment of this committee.

The CHAIRMAN. That seems to me to be new.

Mr. BROWN. It is entirely new.

Gov. BUTLER. Pardon me; no, sir.

Mr. BROWN. And not pertinent, either, to this inquiry.

Gov. BUTLER. All I can say is, that this is one that the old gentleman Marsh forgot to tell us of; - of the grandsons he had got educated, and paid for it with the bodies of paupers.

Mr. BROWN. He was not asked what grandsons were educated.

Gov. BUTLER. Oh, I did, and went all through his family.

Mr. BROWN. He was asked what he educated; no evidence that he assisted in the education of these children.

Gov. BUTLER. The bodies are the best evidence.

The CHAIRMAN. The committee must settle it.

Gov. BUTLER. [To the witness.] That is all with you, sir.

Cross-examination by Mr. Brown.

Q. Doctor, by whom were these books kept? A. For the last five years they have been kept by myself.

Q. By yourself? A. Yes.

Q. Prior to that, by whom were they kept? A. By the registrar.

Q. When was your institution chartered, organized? A. It was chartered with the Boston University in 1869; the school was organized in 1873.

Q. 1873? A. It was united with the New England Female Medical College, by act of the legislature, in 1874.

Q. Prior to 1874, the medical part of your institution was known as the New England Female Medical College? A. No, sir; prior to 1873.

Q. Prior to 1873. A. The school which is now the Boston University School of Medicine was the New England Female Medical College.

MR. BROWN. Governor, do you intend to put that in? [Referring to memorandum produced by the witness.]

Gov. BUTLER. I am content it shall go in evidence, sir.

MR. BROWN. What is that?

Gov. BUTLER. I am content it shall go in evidence.

MR. BROWN. I want to know whether you intend to offer it in evidence?

Gov. BUTLER. It only covers the same thing we have.

MR. BROWN. You will let me see it.

Gov. BUTLER. With pleasure. [Handing the paper to Mr. Brown.] I only want to show how many bodies he received; and he received nine last June; so they do move bodies in hot weather.

THE WITNESS. I may say the bills are sent in, but they are not received in warm weather; the bills are not sent in till some time afterwards.

Q. (By Gov. BUTLER.) Then you don't know when you received them, only when you paid the bills? A. Only when I paid the bills.

Q. (By Mr. BROWN.) And you don't know anything about when the bodies were received? A. I have no record of the receiving of the bodies.

Q. You simply know, and that memorandum simply shows, when you paid for them? A. Yes, sir.

Q. But, in the several months there written, you paid the several sums of money set opposite them, respectively? A. Yes.

Q. And that is all you know about it?

Gov. BUTLER. For bodies.

MR. BROWN. For bodies.

THE WITNESS. Yes, sir; they were verified by the demonstrator, who knew that the bodies had been received.

MR. BROWN. Mr. Chairman, I offer this in evidence.

THE CHAIRMAN. What does it purport to be?

Gov. BUTLER. A memorandum from the books, that is all, sir. I don't object to its being in evidence. Put it right in.

The CHAIRMAN. Give it to the stenographer.

Mr. BROWN. I will give it to the stenographer, and it can be inserted without reading it here.

Gov. BUTLER. The doctor says nine bodies were paid for last June: when they were delivered the Lord only knows.

[The doctor's memorandum was as follows.]

Payments made for Dead Bodies for Dissection

Nov., 1873,	.	.	.	.	.	\$48 00	3
Jan'y, 1874,	.	.	.	.	.	48 00	3
April, 1874,	.	.	.	.	.	156 00	10
Feb'y, 1875,	.	.	.	.	.	148 00	9
May, 1875,	.	.	.	.	.	128 00	8
Feb'y, 1876,	.	.	.	.	.	192 00	12
July, 1876,	.	.	.	.	.	96 00	6
Feb'y, 1877,	.	.	.	.	.	144 00	9
May, 1877,	.	.	.	.	.	176 00	11
July, 1877,	.	.	.	.	.	48 00	3
Jan'y, 1878,	.	.	.	.	.	128 00	8
April, 1878,	.	.	.	.	.	112 00	7
Sept., 1878,	.	.	.	.	.	32 00	2
Mar., 1879,	.	.	.	.	.	183 00	12
June, 1879,	.	.	.	.	.	112 00	7
May, 1880,	.	.	.	.	.	128 00	8
June, 1881,	.	.	.	.	.	176 00	11
April, 1882,	.	.	.	.	.	160 00	10
June, 1883,	.	.	.	.	.	144 00	9
<hr/>							
\$2,359 00							148

TESTIMONY OF JAMES SKILLEN (*sworn*).

Direct examination by Gov. Butler.

Q. Are you the janitor at Harvard College? A. Yes, sir.

Q. How long have you been janitor.—at the Harvard Medical School? A. Since the ninth of November, 1877, sir.

Q. Who did you succeed,—Waterhouse? A. Yes, sir.

Q. Waterhouse is dead, isn't he? A. I believe so.

Q. Now, sir, do you receive all the bodies that come from Tewksbury? A. Yes, sir.

Q. Now, sir, have you ever kept any account, during all these years, of what bodies you have received? A. No, sir; none.

Q. Have you ever been instructed so to do? A. No, sir.

Q. Now, sir, before you were janitor you were in the hospital, were you not? A. Massachusetts General Hospital; yes, sir.

Q. As an attendant. Did you know a young man by the name of Bartlett, who was a student there? A. Yes, sir; I did.

Q. He was a student in the medical college? A. Yes, sir.

Gov. BUTLER. [To Mr. Brown.] The witness is yours, sir.

Mr. BROWN. I have no questions to ask.

Gov. BUTLER. That is all, sir.

TESTIMONY OF CARL H. KYLANDER (*sworn*).

Direct examination by Gov. Butler.

Q. You live in Woburn, sir? A. Yes, sir.

Q. What country are you? A. A Swede.

Q. Did you know in his lifetime Charles H. Eklund? A. Yes, sir.

Q. Did you ever go in bathing with him in the water? A. I did.

Q. Did you see that etching on his breast? [Handing piece of skin to the witness.]

Mr. BROWN. Now, wait a moment. Mr. Witness, before you answer that. I should like to know what it is expected to prove by this. This has already been ruled out once, some time ago.

Gov. BUTLER. On the ground that I was not putting in my evidence in rebuttal; that is the precise ground.

Mr. BROWN. Now, we come to the proper time.

Gov. BUTLER. Yes, sir.

Mr. BROWN. If it is ever proper at all; and I want to know, now, whether the committee purpose to allow the introduction of this testimony as the governor has outlined it on one or two occasions.

The CHAIRMAN. This is the same piece that was shown Father Gigault.

Mr. BROWN. I understand that this is the same piece which was exhibited to Father Gigault.

The CHAIRMAN. I think the governor should go forward and show how it is competent.

Gov. BUTLER. On cross-examination of Father Gigault. I produced this piece of human skin to him and tried to identify it: I failed. and Mr. Brown made a great outcry that this was

not the same man, because the "J" was a "T", and, thereupon, I called a Swede who testified that that is the way a "J" is made in Sweden. Then they said that I hadn't identified it. Then I shew that Charles J. Eklund was a pauper who died in Tewksbury. Then it was said it could not be this man, because the age on the register didn't agree, and I undertook to prove that it did, and then the committee said I could not interrupt Mr. Brown's evidence to put it in; and I said, "Very well, then, when it comes my turn I will." And I am here, now, to give the last remaining link. Charles J. Eklund, with this tattoo on his breast, was a Swede; was in this State and went to Tewksbury, and died there, and in some way or other his body got skinned, because I have got the skin. Now, I want to show that the remains of people in Tewksbury — who died in Tewksbury, — are not interred, but are kept and are dealt with as merchandise. I have been told that the several pieces of skin that I have produced, although a large majority of the bodies came from Tewksbury, were not identified as having been actually on a body from Tewksbury. I supply the missing link. I trace this on to the man living; I trace him into Tewksbury; I show him dying there; and this piece of skin I trace from a man in Tewksbury, to meet the testimony that these remains have been treated according to the law. If there is any law I should like to have it pointed out, which allows human remains to be skinned anywhere; but, if anybody undertakes to take them away from he place of burial, it is his duty, under the law, to see that they are not skinned and their skin floating around the country. That is the ground I offer it on.

MR. BROWN. Mr. Chairman, supposing His Excellency could prove everything he says he can, are we to sit here and investigate "somehow," or are we to investigate this institution at Tewksbury? He says, "somehow or other," he don't know how, here is a piece of that man's skin.

GOV. BUTLER. I have not said I don't know how.

MR. BROWN. Are we to go fishing all over creation, through every possible avenue of evidence, to find how this thing came here? If His Excellency can't say to this committee, in the first place, directly, that he will trace that body to some place where it was delivered by this institution with the knowledge of the officers of this institution, that the body was then skinned and this piece taken, he don't come within any rule which permits him to stand here for a moment and offer this testimony.

Now, let us see about this matter of Eklund. Assuming that that piece of skin came from the body of Charles J. Eklund. He died on the third day of August, 1879, I think it was; 1877 or 1879. The fact is uncontradicted and uniform throughout this case, that in the months of June, July and August, no body was ever sent to a medical institution. — uncontradicted. And, if His Excellency would allow to be put into this case the report which is in the hands of the chairman, His Excellency would find that in the very year when he thinks this body went to Harvard Medical School there is a statement that no body went to the Harvard Medical School in that year prior to October. Now, is this institution to be charged with every body which may have been stolen by persons not connected with it out of the graveyard? I note one thing, and that is that although this matter was raised more than thirty days ago, His Excellency hasn't had the confidence to go into that graveyard and see whether the body yet remains there, or whether it has been taken away. He thought, and was very certain, that the body of Joseph Parks wa'n't there, and consequently he went to the graveyard. Now, if he could say to this committee that the body of Charles J. Eklund isn't in that graveyard, that would be a piece of evidence which would be entitled to some credit.

Gov. BUTLER. Do you claim that it is?

Mr. BROWN. But all that he says is this: That somehow that piece of skin, once on the body of Charles Eklund, has been tanned, and is here. He don't pretend that he can connect any officer of this institution with it, or any other public officer. Now, suppose, — let me suppose a case. Let me suppose that some person not connected with the institution who had a curiosity to get that piece of tattooing, took occasion to take it without any knowledge of the officers of the institution, they using due diligence, would anybody pretend that they are to be held for it? Is this committee going to pretend that the man Chase's story about the billet of wood, which he says no human being knew but himself, a fraud practised by himself; a man who came upon the stand here, at the request of His Excellency, practised a fraud upon the friends, and never let Captain Marsh or anybody else know anything about it —

Gov. BUTLER. That is not the testimony.

Mr. BROWN. That is the testimony.

The CHAIRMAN. Let us argue to-morrow and not to-day.

Mr. BROWN. Now, is anybody connected with the institution to be hurt by such evidence as that. It seems to me it will be very unfair; and there is no pretence on the part of His Excellency that he can connect it. He has got the two ends, as he claims. First, he has got the skin which was on the body of Eklund, and then, he is able to show, if you please, that that was the man who was at the institution. But there is a discrepancy with regard to his age, and there is very strong evidence tending to show that the man was buried lawfully; properly buried. Now, I submit that he does not come within any rule whatever. In the first place, it is all new.

Gov. BUTLER. When you began it was all old.

Mr. BROWN. He says in the first place this: this is what I understand: In the first place, that the skin of a human being, the body of a human being is sacred, and with his consent and allowance no human being is ever going to be skinned, and the skins, those that he has not distributed as souvenirs of this case, are going to be decently interred hereafter; if there are any left that haven't been distributed, they are going to be decently interred. Now, that is the position. He admits that he has not connected Tewksbury with the skin business in any way, shape or manner; but he says, "If you can only give me a chance, I will connect it somehow."

Gov. BUTLER. I haven't admitted any such thing.

Mr. BROWN. No; I think you did say that the public said you had not, and you felt the force of that, and now you want to reinforce yourself.

Gov. BUTLER. I don't want to reinforce anything.

Mr. BROWN. Now, the question is whether this shall be allowed?

Gov. BUTLER. I am putting in such evidence as I think I have a right to.

The CHAIRMAN. The committee will vote upon it.

Gov. BUTLER. I want to say a word or two on the matter, and that is this, Mr. Chairman. First, they say that this body was not sent away from Tewksbury; that it was buried there. I accept that declaration.

The CHAIRMAN. Who says that, Governor?

Gov. BUTLER. Mr. Brown, within the last five minutes, in your hearing.

The CHAIRMAN. He is not a witness in the case, as I know of.

Gov. BUTLER. Pardon me: he is the man conducting the case, along with the chairman. Now —

The CHAIRMAN. And you conduct it on your side.

Gov. BUTLER. I accept that theory of the defence; and that is generally accepted by the court. Now, then, I agree it was decently buried, for the purposes of the argument. Then, they skinned it at Tewksbury, because I have got the skin. But I don't believe that. I know to the contrary, as well as I can know by human evidence; but it is in argument. Then, we have got a man with a whole skin into Tewksbury, and he should be either sent out of Tewksbury with a whole skin, or else he should be sent for the purposes of science, and his remains decently interred. That is clear. Now, when they say that they have taken proper care, I say they haven't taken proper care, and that is the evidence. [Holding up the skin.] It is not a question whether it proves the whole case. It is a piece of circumstantial evidence, strong and conclusive, better than all the oaths of all the men in Tewksbury, with all the women thrown in, that had charge. It is like this: When a burglary was attempted to be committed, and the safe bored into to bore out the bolts, and a piece of the chisel was chipped off, like that [tearing off a corner of a sheet of paper,] and left there, and when they found that little piece in the burglar's kit when he was arrested, and it fitted right into the drill as that piece fits in here, [illustrating with the paper],—that was a better piece of evidence to convict him, and did convict him, than everything else. Now, then, try this here. This man, apparently a good Catholic by his emblem, was in swimming with this on his breast. He went to Tewksbury by the same name,—and names are *prima facie* evidence,—and this man [referring to witness] knows that he went to Tewksbury. When he went there the skin was on his breast; he died and his skin is now floating about; and that is evidence that I put in to contradict the testimony of good management and proper care of the living and the dead in Tewksbury; and you are asked to infer everything in favor of a man who had the charge of these bodies, who stands to-day in contempt of your committee, and refuses to produce his record. “*In odium spoliatoris*,”—in hatred of the wrong-doer who conceals facts, courts always make intendments against him. The question is for you, then, whether you will let the legislature know officially,

of this piece of testimony, or whether you will conceal it from them.

MR. BROWN. Mr. Chairman. I understand that His Excellency now admits that this body was regularly buried. There is evidence tending to show that fact; and he says that if it was regularly buried, he will show it was buried without the skin.

THE CHAIRMAN. He claims that you admit it was regularly buried.

MR. BROWN. I say there is evidence tending to show it was buried at the time the man died, and there is. Now, I say, before he can undertake to go into this thing, he must show how that body came to the place where it was skinned. Somebody might have stolen it out of that graveyard, and we are not responsible. There is no provision of law and no funds out of which a police can watch that graveyard from one year's end to the other, any more than there is any other graveyard; and we have never been charged with any such responsibility as that.

THE CHAIRMAN. The committee must vote.

GOV. BUTLER. On the contrary, I have put in evidence that Thomas J. Marsh was out there digging up bodies at night.

[The evidence was rejected by a vote of 4 to 4, the chairman voting in the negative.]

GOV. BUTLER. I will offer it again, by and by, when there is a fuller committee. [To the witness.] Stand down, sir.

TESTIMONY OF JOHN MURPHY (*sworn*).

Direct examination by Gov. Butler.

Q. Where do you live, Mr. Murphy. A. Tewksbury, sir.

Q. Live where, sir? A. In Tewksbury.

Q. When did you go there, sir? A. The sixth of July, 1882.

Q. When did you come away from there? A. I came away, I believe, on the tenth.

Q. Of what month? A. Of this month.

Q. Did you know Charles Blackboy? A. I did, sir.

Q. He was a colored boy, was he? A. He was a colored man; yes, sir.

Q. When did he die?

MR. BROWN. Now I pray the judgment of the committee.

THE CHAIRMAN. What is the question?

MR. BROWN. That is entirely new; no reference to anything offered before; and I would like to know what it is offered for.

Gov. BUTLER. I cannot tell when you are talking.

Mr. BROWN. If you mean that he died as an inducement, I never heard that before. I don't see why it is material.

The CHAIRMAN. Let him answer that question, and we will wait to see.

Q. When did he die? A. He died on the 7th of January, 1883.

Q. Whether Father Gigault administered extreme unction to him? A. He did, sir, and I assisted him.

Q. That was before his death, of course. Now, was any funeral service held over him? A. Not to my knowledge.

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. Now what?

Mr. BROWN. He don't know anything about it. I don't know how it is competent.

Gov. BUTLER. I guess I will try to get on.

Mr. BROWN. Do you think you can stiffen him up so that he will know?

Gov. BUTLER. Now, don't abuse him beforehand. What I propose to show, --- I desire to put plainly forward what I desire to prove. Father Gigault has been here and testified that he administered extreme unction to Catholics and then he attended the funerals. I want to show that this boy, this black boy, had extreme unction administered to him; that he then died, and that no funeral services were held, to the knowledge of this man who had him in charge, and that Father Gigault came back there and inquired if he was dead and why he hadn't been called, and contradict the record here where they have undertaken to show that this same man had funeral services over him, and that the State has paid for the funeral services.

Mr. BROWN. Mr. Chairman, it has already appeared that there have been four clergymen besides Father Gigault go to that institution. And it don't contradict anybody that Father Gigault didn't perform funeral rites over that body. The only fact tending to show that he was a Catholic or that funeral services should have been performed over him is the fact that Father Gigault administered certain rites before he died. Now, it is not shown that anybody else didn't attend his funeral service and that he didn't have any. This witness says that he don't know that he had one; don't know whether he did or not.

Gov. BUTLER. I beg pardon. He did. I asked him if there was a funeral service, and he said not that he knew of.

MR. BROWN. It don't prove anything.

GOV. BUTLER. I have not got it all in.

MR. BROWN. I don't intend you shall if I can help it.

GOV. BUTLER. I know you don't.

MR. BROWN. There would be no reason to object if you had got it all in.

THE CHAIRMAN. The committee must act upon it.

MR. LEARNARD. What is the question, please? I would like to have the question repeated.

GOV. BUTLER. The question is whether I should prove, if I can, that a certain man, who was a Catholic, had extreme unction administered to him, and was buried as is claimed by the books.

MR. LEARNARD. If there was a regular question put.

THE CHAIRMAN. The governor stated what he proposed to prove, and now he is restating it.

GOV. BUTLER. I have no occasion to restate it. Now we are on the question whether I shall ask the man whether he did know about it. He says there was no funeral service to his knowledge. Now I want to ask him if he has such knowledge as to know whether there wasn't any; and whether Fr. Gigault, he having assisted him in administering extreme unction, didn't come and inquire whether the man was dead, and why he hadn't been called; that is all.

THE CHAIRMAN. The committee will vote upon it. There don't seem to be any in the affirmative. It is rejected.

GOV. BUTLER. Mr. Records, I will call you.

TESTIMONY OF FRANCIS B. RECORDS (*recalled*).

MR. BROWN. Mr. Records, did you count all those names —

GOV. BUTLER. Mr. Records was asked to make a list — I guess I have got the paper.

THE WITNESS. No, sir; I think not.

MR. BROWN. I will ask him to put in the evidence that I requested.

GOV. BUTLER. Well, after I get through.

MR. BROWN. It is simply the whole number of names on the inmates' cash-book.

GOV. BUTLER. No sort of objection to that.

Q. (By Mr. Brown.) Mr. Records, have you counted the names on the inmates' cash-books, the three volumes? A. I have, sir.

Q. Take the oldest book, and how many names are there upon that? A. 1,184.

Q. In the next one, which you have numbered "One," how many? A. 661. That "Number One" is the one that has been called in evidence, and so I called it "Number One."

Q. And in the third book, "Number Two," how many? A. 1,756.

Q. And how many in all — the total? A. 3,601.

Q. (By Gov. BUTLER.) In the first place the old books were not examined, were they, to be used in evidence? A. The oldest one of all has not been examined at all.

Q. Therefore you make three books? A. Yes, sir.

Q. Two have been used? A. Yes, sir. So I number them "One" and "Two."

Q. Now, a word more. When I put in the evidence about the tobacco, yesterday, we heard something about old ladies smoking. How many of those tobacco charges, as I will call them for short, have you found —

Mr. BROWN. I object to their being called tobacco charges.

Gov. BUTLER. I don't care what you call them; the charges of 7, 14 and 21, which were attempted to be accounted for in that way.

Q. How many young ladies do you find, — young women, — having tobacco charges against them? A. There are nine from 19 to 30 years of age; nine out of 46.

Mr. BROWN. If a woman ever smokes she smokes before she is 30.

Gov. BUTLER. Now, don't you go to testifying, because I don't want to cross-examine you.

Mr. BROWN. Somebody else smokes.

Q. Now, what is the average age of those women charged with tobacco? A. Forty-eight years.

Q. Now, Mr. Records, have you found upon the death-book certain marks, "H," "B," &c. A. Yes, sir. [Producing memoranda or abstract.]

Q. Won't you show me those, so I can give them to the committee. A. They came most in the second book.

Gov. BUTLER. Now, I want you to show me that record in regard to the prisoners of the State and the remarks.

[The witness turned to an entry on the death-book.]

Gov. BUTLER. [Exhibiting book to committee.] I want to

call the attention of the committee to the marks here on this book.

Mr. WOLCOTT. What does that mark indicate?

Gov. BUTLER. We say it indicates dead bodies sent away. You will see under that red ink mark "Six, S. P., Harvard."

The CHAIRMAN. What is the book?

Gov. BUTLER. This is the dead-book. Now, you will find the same marks there; you see we say this means six sent from the State prison. Now we will go over here somewhere. What page, Mr. Records?

[The witness turned to another place in the book.]

Gov. BUTLER. Here we find "B," which we say means that that dead body went to Boston. "H"—to Harvard.

Mr. WOLCOTT. Those that went to Harvard must have gone to Boston.

Gov. BUTLER. Harvard College and Boston College. Here, again, you see "B," "H," "H," "B," "H." And now I want to call your attention to the fact that the record was made up afterwards; because there would not be six sent at one time from the State prison.

Q. Now, sir, Father Gigault's book was put into your hands? A. Yes, sir.

Mr. BROWN. Was it offered in evidence?

Gov. BUTLER. Why, yes; I examined it a long time, and put it into his hands to find out.

Mr. BROWN. I should like to see where that book was offered in evidence.

Gov. BUTLER. Yes, sir; we didn't read every name upon it, for good reasons. I propose to show a like memorandum, — "H," "B," "H," "B," &c., — made on the record of Father Gigault, which he kept of the burials, for the purpose of comparing them and getting at, as well as I can, how many were sent.

Mr. BROWN. Well, but, Mr. Chairman, that is certainly very incompetent. I think Father Gigault should be allowed to interpret his own book. There has no interpretation of that kind been offered in evidence. On the other hand, I think he distinctly states that he didn't know anything about what became of them after death; or at least after funeral services were performed, in certain cases. And the evidence from other parties is that they were taken from the place — if they were not to be buried immediately — they were taken from the place where the

services were performed to the dead-house. And he never followed them there.

Gov. BUTLER. I suppose that circumstantial evidence is to be admitted in this case, like every other. The argument has always been made here that you must prove everything by one witness, and unless you do prove everything by one witness you cannot put it in. Now, then, I have got certain books here. I have tried to get somebody in the institution who would father these marks. I asked Charles Marsh if he knew anything about the marks, and he said there were some there and they were made by the doctor. I asked the doctor if he had anything to do with them, and he said he didn't. I still find them there. Now, then, I find on Father Gigault's record the same marks, and comparing them with the marks on the book, I find that as a rule they correspond. In some cases I hope to be able to show where the bodies did go to, actually. Now, shall I put in this piece of circumstantial evidence? And it is no more than a circumstance. But who is Father Gigault? He was a man employed by the State and paid by the State for burying these bodies. He had a reason, we know, to know how many he said funeral services over that were going away to be cut up, because I remarked my opinion of that performance, and I won't trouble the committee again with it now. He did keep that record. It is on his book. I have taken an expert, in whom we both have mutual confidence, and asked him to give me the result. He has done that, and the committee has not got to stop and pick it out. The point I want to prove is that on Father Gigault's book there are entries of that description, that I may compare them with the entries on the other books of that description.

The CHAIRMAN. Now, here is the record about the book, Governor, as far as I remember. Page 2058. [Reading.]

“Q. Have you any memorandum or record of the number of children you attended? A. I did keep a memorandum; yes, I have it.

Q. What? A. I did.

Q. Have you got it? A. Well, I have got it. I didn't bring it with me. I took some notes before I left.

Q. Have you got that memorandum at home? A. I have it, but in poor form.

Q. Well, it is good enough for our purpose.”

That the book was ever produced or offered don't appear.

Gov. BUTLER. It seems to me that he came back the next day with the book. If you pursue your investigations, you will find it so.

The CHAIRMAN. The next reference to his testimony is page 2092; I don't see where the book was put in.

Gov. BUTLER. Didn't he produce it, sir? The last that we had was that he didn't produce it. Now I want to know if he didn't produce it.

Mr. BROWN. It was not referred to again.

Gov. BUTLER. Pardon me; Mr. Records has got it, and he didn't steal it.

Mr. BROWN. He produced it for you to put in—for your inspection. It is like the book of Hall; we have never seen it.

The CHAIRMAN. I don't see any evidence from the record that the book has ever been put into the case; if there is any. I would like to have it pointed out.

Gov. BUTLER. I cannot point it out on the record, but I know what the fact was.

Mr. BROWN. Father Gigault's testimony on the second day commences on page 2092. On neither of these pages is there any evidence that that book was ever offered in evidence.

Gov. BUTLER. Is there any evidence about the book?

Mr. BROWN. When he was called first he was questioned about his book.

Gov. BUTLER. Wasn't he when he was called last?

Mr. BROWN. No. He is asked, "Now, have you got the other?" And he says: "I could not find it, this memorandum. I gave the list to the institution. I have only for this year."

Gov. BUTLER. That is all?

Mr. BROWN. "I gave the list to the institution, and I know they kept it there."

Mr. GILMORE. My remembrance is that the book was brought but was not put in.

Mr. BROWN. Not offered in evidence. He brought it and had it in his hand, but His Excellency never put it in evidence. He looked at his book, and he was asked if he attended the funeral service of Eklund, you will recollect, and then the matter was dismissed. That was the only approach that was made to it.

Mr. GILMORE. My memory is that he produced the book.

Mr. BROWN. He did; but it was not offered in evidence.

Gov. BUTLER. And it was put into the hands of Mr. Records.

If you remember, it was a small book, written backwards, part of it. Part of the way it was written backwards. And he put it into the hands of Mr. Records. He testified to it, and identified it. That made it a part of the record. And I had somebody go to work on it. I was a little wrong, in the haste of my statement, and I want to put it right. What I mean to say is, that I find on Father Gigault's book the names —

MR. BROWN. I submit we ought not to have —

GOV. BUTLER. Pardon me; I am not going to do anything wrong.

MR. BROWN. Well, go on.

GOV. BUTLER. Under anybody's ruling. I find in Father Gigault's book certain names which correspond to those names marked "B" and "H." And on having Father Gigault's book compared with the death-book, I find that the "B" and "H" —

MR. BROWN. Now, let us see.

GOV. BUTLER. I find that the "B" and "H" on the Tewksbury dead-book are against the names of those buried by Father Gigault.

MR. BROWN. Let me see if I understand you. For instance, here is the book — see what I refer to, Governor, — here is the book; here is the name and number; Father Gigault performed the funeral service; and there you find "H."

GOV. BUTLER. I find "H."

MR. BROWN. Now, you want to show by Father Gigault's book that he did perform the funeral service.

GOV. BUTLER. Yes.

MR. BROWN. This book [the death-book] shows that he did, and this is already in evidence.

GOV. BUTLER. Pardon me; but the difficulty is that there are "H" and "B" where he didn't.

MR. BROWN. Then the inference would be that there were other bodies, if H means Harvard — that there were other bodies which went to that place, over which other clergymen performed funeral services. All I have to say is, What of it? Do you mean to say that because a man is selected for dissection that therefore he should not have a funeral?

GOV. BUTLER. Oh, no.

MR. BROWN. What is it? I don't understand the situation.

GOV. BUTLER. I see you don't.

MR. BROWN. I am after information and light. I don't know but I would admit it, if I knew what it was for.

Mr. PUTNEY. I think it refers to the book in question, on page 2102. All the matter on that page is in reference to this book, commencing at the top of the page.

Mr. BROWN. There is no doubt about it, but the book was not put in evidence and I had no opportunity to examine it.

Mr. PUTNEY. There is reference to it.

The CHAIRMAN. The book was in the hands of Father Gigault, there is no doubt about that, but whether it was put into the case is another thing.

Mr. PUTNEY. It seems to me that it ought to be in, if it was not put in, after a whole page of reference to the book. I saw the book, but I don't know whose hands it was put into.

Mr. BROWN. I know I didn't have opportunity to examine it.

Gov. BUTLER. [Reading.]

"Q. Have you got your book of burials? A. This is the first record. [Handing book to governor.]

Mr. MELLEN. I think we had better consider the question whether to have a new chairman or get our old chairman back.

Q. Does this book contain all the burials? It commences, I see, in January, 1879? A. Not all; but for two years, 1879 and 1880.

Q. For 1879 and 1880? A. Yes.

Q. That is, it contains all the burials for that year? A. For that year.

Q. That you made? A. That I made.

Q. When you made funeral services, and you made funeral services in each one? A. For each one of those mentioned there.

Q. That are found on the book. Now, have you got the other? A. That is a record for all of them. I have not the one for the other years. I could not find it, this memorandum; I gave the list to the institution; I have only for this year.

Q. For what year? A. For this year and for 1879 and '80; the others I could not find them, because I am not bound to keep any record; it is a private thing. I gave the list to the institution, and I know they kept it there.

Q. You did give a list to the institution; did they ask you to do it? A. They asked me to do it.

Q. How often did you give this list? A. Well, every month or two months, generally; every two or three months.

Q. To whom did you give them? A. To the secretary, the clerk of the institution, Mr. Charles Marsh.

Q. Then he had a record of the funerals? A. He has.

Q. So far as you are concerned? A. Given at his own request.

Gov. BUTLER. Mr. Brown, I would like that record produced.

Mr. BROWN. What?

Gov. BUTLER. The record of the burials of the institution given by Father Gigault to Charles Marsh.

Mr. BROWN. Does he testify that he kept any record of the burials? I understood him it was a record of the bodies over which he performed funeral rites.

Gov. BUTLER. Usually that is a record of burials.

Mr. BROWN. But, you say in this case it has not the slightest value. I wanted to find out what you meant, because you said people who had masses said over them went immediately to Harvard College.

Gov. BUTLER. No use of having any, —

Mr. BROWN. Now you are in the wrong and you want to stop.

The CHAIRMAN. Near the bottom of the page I think you will find exactly the point. Two inches from the bottom.

Gov. BUTLER. A little further, sir. [Reading.]

“Gov. BUTLER. Pardon me; we can't have any trouble about this I assume, when funeral rites are said over a man, that is his burial. If any man steals the body after that, I am not responsible; therefore, I am asking him for the record of the burials.

Mr. BROWN. I only wanted to understand you. I will make inquiries to ascertain.

Gov. BUTLER. The record of burials Father Gigault swore he gave to the clerk of the institution, — I will ask you to produce it.

Mr. BROWN. I will endeavor to do so. I can't produce it at this moment.

Gov. BUTLER. That is all with you, Father, now.

Mr. BROWN. Now, let us see that book which you have received from Father Gigault?

Gov. BUTLER. Certainly, sir; I have no concealment.

Mr. BROWN. What is to be done with it; is it to be offered in evidence?

Gov. BUTLER. I am going to examine it and offer it in evidence.

Mr. BROWN. That is, after you have examined it; but you don't desire to do it now.

Gov. BUTLER. I cannot have time to examine it now.

Mr. BROWN. Excuse me.

Q. (By Mr. BROWN.) Is the name of Charles J. Ekland in that book, Father Gigault? A. No, sir.

Q. It is not? A. No, sir.

Q. And within your experience, Father Gigault, the Swedes are not Catholics, are they?”

So that the book was given to Mr. Brown, and he was told that I was to examine it and put it in evidence; and I am here

to do it, if you will allow me. But instead of the book I only want to put in what the expert finds, which I want to identify.

THE CHAIRMAN. I suppose it was a mere oversight, not putting it in.

GOV. BUTLER. Clearly, Mr. Brown has examined it and he promised to give me the record, but he never has.

MR. BROWN. Now, Mr. Chairman, what is this all for? Does the governor claim — He once said that a funeral service performed over the body of a person to be sent for dissection was mummery; and afterwards he took that back.

GOV. BUTLER. No, sir.

MR. BROWN. You persist in it?

GOV. BUTLER. I do: it is the worst possible mummery.

MR. BROWN. Then what is this all for: is it to show how much mummery there was at the institution?

GOV. BUTLER. Yes, sir.

MR. BROWN. Then I understand it exactly, and it is opening a new subject. We have had all sorts of nonsense, but mummery is the last. I object to it.

GOV. BUTLER. Then we are in this condition: we have got an institution which has the charge of living paupers, and when they are dead, they are taken, after funeral services — no, I must go back a little — they are given up to the colleges when they are to be buried at the public expense, an expense of about five dollars a body is paid for funeral services over it: that would be more than the cost of a pauper funeral. They then have a pretence of burial by the funeral service holding over the body. They pay more than it would cost to bury it, and then they give it up to an institution because it costs something to bury it. It is a body to be buried at public expense. I am one of those old-fashioned people that think that when a funeral service is held over a body that it is for all practical purposes substantially buried. True, we follow it with slow and sorrowing steps to the grave, but in most churches no rite is performed at the grave. In some there are. Now, I hold it to be a scandal to the Commonwealth that the Commonwealth's treasury should be robbed for the purpose of holding funeral services over bodies sent down to be cut up because the Commonwealth can't afford to bury them. And I want the committee of the legislature to struggle with that proposition as the people of the Commonwealth have struggled with it. And I want to say, also, another thing: I want to say that this was done by the

hundreds, and that there is a record kept at the institution which is not yet produced. I hold that that is a misuse of the public money. Ashes to ashes; ashes to the dissecting-knife. And I say it is worse than that; it is sacrilege; it is using Christian rites that we all respect over remains that are to be floating around the country, or hung up for show, or given to the fishes, as evidenced in this case. I can go over at great length, and take time and dig this out. But I have had it done by an expert, and I ask that those, so far as Father Gigault's record goes, in two years, — that he shall show that he finds those bodies over which he performed these ceremonies marked "H" and "B." Harvard and Boston University. They kept no record of the dental college and the other university, the college of physicians and surgeons; but over these two we have that much. Now, if the committee say I shall not do it, I cannot do it.

Mr. BROWN. Mr. Chairman, the governor has found a conundrum in one of these books, and that conundrum is capable of one hundred and fifty interpretations. The letter "H," admitting it to be the first letter of some intended word, applies to many thousand words in the English language. He has guessed the conundrum in one way, and he wants you to take his guess as a fact — to assume the guess as a fact. He wants you to take that fact and interpret something else, and all for what? Why, it is all new in the first place. He should have offered it in chief. Those books were open to his inspection. "H" was there during the almost sixty days when he was putting in his evidence, and the "B" was just the same.

Gov. BUTLER. How do you know that?

Mr. BROWN. Why he should have been trying to guess that conundrum during that period I don't know.

Gov. BUTLER. Father Gigault's book, with which we are now dealing, didn't come in until he was called by the other side.

Mr. BROWN. Father Gigault was within the range of your subpoena, and you knew he was at that institution, and you knew that he performed funeral rites over the people.

Gov. BUTLER. I neither knew that he was at that institution, or that he performed funeral rites, until I began this investigation.

Mr. BROWN. Yes; and after you began it, and after you got the books, from that time to the time you closed your case you knew it all the time; and it was discussed during the first twenty days of this investigation — this question of the burial of these bodies and having the funeral rites over them — as the

record shows ; and if I am not mistaken in regard to time it was during the first thirty days. Now what is all this for? It is for the purpose of saying that bodies buried at the public expense should be deprived of funeral rites. The people of the Commonwealth for more than fifty years have said that that is a proper thing to do. For fifty-three years the people of this Commonwealth have said that is a proper thing to do. Have they ever said that a man whose body might be dissected in the interest of science and for the benefit of society should be deprived of funeral rites? Wouldn't that be an outrage of public sentiment? I don't believe the people of this Commonwealth would ever permit it ; they would, in my judgment, have reason to complain if in a public institution from which bodies were sent to medical schools, the authorities, in view of the fact that those bodies were to be sent, should refuse to have any clergyman perform clerical rites over them. I don't believe that it amounts to anything. It is new matter, and not in rebuttal in any way, shape or manner. If His Excellency wants to show that the continued and uninterrupted judgment of people of this Commonwealth for fifty-three years is wrong, why, he has a place to do that, he says, elsewhere. We understand what that means. But there is the statute-book, and until there is some modification of the statute the people at this institution are bound to perform funeral rites over the bodies of all.

Gov. BUTLER. There is no statute on earth which permits it.

Mr. BROWN. Which permits what?

Gov. BUTLER. Funeral rites over the bodies of those to be dissected.

Mr. BROWN. Now, I say to you in these words, that common decency requires it.

Gov. BUTLER. Then I say to you that you are guilty of common decency up there for the first time.

Mr. BROWN. I don't think it is necessary for you to go into that, because it has been the universal course of the people up there.

Mr. GILMORE. I would like to know, before voting, whether the witness has any knowledge about what "H" and "B" mean?

Gov. BUTLER. That is a matter of circumstantial evidence, sir.

The CHAIRMAN. It is a matter of argument.

Gov. BUTLER. A matter of argument from the facts. I say "H" means Harvard, and "B" means Boston University. And there are certain circumstances, one of which I pointed out to you, which will lead to that. I want to put in that piece of evidence for such argument as the committee choose to make from it.

The CHAIRMAN. Those in favor of admitting the evidence—

Mr. PUTNEY. What is the question?

The CHAIRMAN. The question of admitting the extract from the book verified by this expert, as I understand it.

Mr. PUTNEY. As far as the evidence goes, I claim that the book is really in as one of the record books; and I don't see how we can take any vote on a matter already in evidence.

The CHAIRMAN. I don't understand it is in; but I think it was omitted by mere inadvertence, which we should allow the governor to correct.

Mr. MELLEN. I move that it be considered in.

The CHAIRMAN. We will consider the book itself in.

Mr. BROWN. If the committee think that that is a proper subject for inquiry, if the committee think they have anything to do with that subject, I shall not object to that book going in. But in the first place it is a guess what the "H" and "B" mean.

The CHAIRMAN. The weight is a matter of argument. Then we will consider the book in. The question is whether we will admit this abstract.

Gov. BUTLER. If the book is in, this abstract will follow, as a compilation made by Mr. Records.

Mr. BROWN. Very well. Then there is not any need of spending any time about it.

Gov. BUTLER. That is all I want to ask him,—if he made that record. That is all I have attempted to ask him.

Q. (By Gov. BUTLER.) You find that "H" and "B" in these books [the death-books] correspond to those names in Father Gigault's book, that he buried, do you? A. Yes, sir.

Q. (By Mr. BROWN.) Is Father Gigault's book now in your possession? A. It is not. I think the governor has it.

Mr. BROWN. I think I ought to be allowed to inspect it.

Gov. BUTLER. Certainly; if anybody will ask me for it. I haven't it personally.

Mr. GILMORE. It seems to me that Father Gigault should be called to explain it.

Mr. BROWN. Ah, but they are not in his book.

Gov. BUTLER. You don't understand. They are against the names of those that he buried.

Mr. GILMORE. I understand they are in his book.

Mr. MELLEN. That is the governor's point—that burial services were held over the remains of bodies that were afterwards sent to the medical school.

Mr. BROWN. [Referring to the memorandum.] Do you intend this shall go in?

Gov. BUTLER. Yes, sir.

Mr. BROWN. Then I object to its going in in its present form. Here is a statement, "Where sent." I think that should still be left a conundrum, because that you don't know.

Gov. BUTLER. Where sent is "H" and "B." It don't tell where it is sent.

The CHAIRMAN. I think the committee should have Father Gigault's book.

Gov. BUTLER. You may strike it off.

[The paper, as admitted, was as follows:]

1879.	Number.	NAME.	Age.	How marked in Death Book.
Jan. 3,	56,609	Jas. Smith,	38	B.
9,	51,977	Jno. Hart,	81	H.
29-Feb. 3,	56,754	Frank Johnson,	$\frac{8}{12}$	H.
Feb. 4-6,	56,726	Jno. Murphy,	50	H.
7-10,	23,932	Ann McGovern,	55	B.
9-10,	56,462	Pat. Devine,	43	B.
14-15,	46,565	Frank Barbary,	60	H.
15-18,	45,961	Mary Collins,	74	B.
17-18,	50,787	Wm. Monteith,	50	H.
18-19,	51,096	Maurice Pickett,	65	B.
19-19,	54,854	Michael Durant,	50	H.
20-23,	49,297	Michael Kiley,	62	H.
26,	55,559	Bernard Muldoon,	62	H.
26,	53,877	Pat. Dwyer,	76	H.
26,	52,512	Wm. Sharp,	64	H.
Mar. 4-7,	46,146	Ellen Heavlin,	70	B.
6-7,	55,341	Jas. Pettet,	35	H.
8,	56,547	Pat. Gillie,	70	B.
8,	54,903	Jane Sweetman,	55	B.
12-13,	54,885	Michael Cadigan,	72	H.
13,	56,805	T. Mehan,	50	H.
10-11,	56,593	Margaret Pender,	42	H.

1879.	Number.	NAME.	Age.	How marked in Death Book.
Apr. 9,	57,075	Mary Cauty,	31	B.
24,	48,987	Martha Donnelley, . . .	68	H.
25,	56,347	Mary Driscoll,	29	H.
30,	57,120	Jas. Conley,	24	H.
Sept. 29,	49,619	Edw. Burke,	85	H.
Oct. 3,	57,800	Leonard Krupp,	45	H.
21,	57,841	Eva Wright,	24	H.
24,	57,145	Cath. Thurston,	26	H.
Dec. 3,	44,734	Jno. Day,	60	H.
3-4,	58,670	Sam'l Johnston,	38	H.
20,	43,207	Mary A. Hodgkins, . . .	65	H.
20,	52,276	Ellen Cody,	70	H.
1880.				
Jan. 3,	57,113	Cornelius Marra	70	H.

26 H. 9 B.

Mr. BROWN. Now, where is the record book of Father Gigault?

The WITNESS. I think Mr. Major has it.

Gov. BUTLER. We will bring it in this afternoon. It is time to adjourn now.

Adjourned until 2 P. M.

SIXTY-THIRD HEARING.

THURSDAY, July 12.

The committee met in the Green Room at 2 p. m., Senator LORING of Worcester in the chair.

TESTIMONY OF FRANCIS B. RECORDS (*recalled*).

Q. (By Mr. BROWN.) Mr. Records, will you turn to the first entry upon this memorandum which you produced this morning. A. [Referring to the death-book.] 56,609, 1879, Jan. 3.

Q. What is the date? A. Jan. 3, 1879.

Q. Now, is that the first time when you find any initial that you have spoken of? A. It is not.

Q. Well, is not that the first instance named in your memoranda? A. This refers to Father Gigault's book.

Q. This only commences where you find Father Gigault's book commences? A. Yes, sir.

Gov. BUTLER. Which was in 1879.

Q. Now turn to the first instance where you find the initial referred to.

Gov. BUTLER. It is there where the leaf is turned down.

The WITNESS. That is not the first letter.

Q. (By Gov. BUTLER.) But there is an H there, isn't there? A. That is "six, State Prison; H."

Q. (By Mr. BROWN.) Which do you understand that refers to; 48,135? A. No, sir.

Gov. BUTLER. There are six there.

Q. But you don't know what six it refers to, whether six in that year, or six in some other year. A. No, sir.

Q. The first H you find is under date of September 23, 1876, is it not?

Gov. BUTLER. That is not so.

Mr. BROWN. I ask him a question.

Gov. BUTLER. Well, you look through and see.

Mr. BROWN. I am trying to get him to answer. I want the first initial. I don't care whether it is H, B, or what; the first one of those conundrum initials.

The WITNESS. There is the first H I find.

Mr. BROWN. Well, I want the first initial that you find. I don't care where it is.

The WITNESS. There is the first H I refer to.

Mr. BROWN. I don't ask that. I want you to turn to the first initial.

The WITNESS. That is it, as I understand your question.

Q. Now, sir, that is dated September 23, 1876, is it not?

A. September 23, 1876; yes, sir.

Q. That is the first one. Now the next one with the initial; give us the date, and tell us what the initial is. A. September 27, B.

Q. What is the next one? A. October 10, H.

Q. Go right on; give the dates and initials. A. October 14, H.

Gov. BUTLER. They are all there.

Mr. BROWN. But this don't commence till 1879. Go right on.

The WITNESS. October 20, B; October 26, H; November 6, H; November 7, B; November 15, H; December 7, B; December 16, D; December 18, H; December 21, H; December 31, B; January 1, 1877, H; January 6, 1877, B; January 8, B; January 17, H; January 23, H; January 25, B; January 25, H; January 26, H. Two on the 26th.

Q. That is, two H's? A. Two H's on the 26th.

Q. (By Gov. BUTLER.) Two bodies? A. Two bodies. January 29, B; February 4, H; February 6, H; February 9, B; February 11, H; February 14, H; February 14, again, H; February 22, B; March 7, H; March 8, B; March 9, B; March 14, H; March 15, H; March 18, H; March 20, H; March 19, B; March 23, B; March 23, H; April 7, B; April 8, H; April 11, B; April 13, H; April 19, B; April 20, B; April 21, H; April 24, H; May 1, B; May 7, B; May 7, H; May 8, B; May 10, H; May 24, H.

Q. (By Mr. BROWN.) Then it skips from May 24 over to—?

A. October 14, H; October 20, B; October 21, H; October 24, B; November 2, H; November 3, B; November 5, H; November 12, H; November 15, H; November 16, B; November 17, B; November 17, H; November 29, H; November 30,

B; December 16. B; December 18, H; January 1, 1878, B; January 2, H; January 7, H; January 7, B; January 15, H; January 19, H; January 25, H; January 25, D; February 6, H; February 6, B; February 8, H; February 10, B; February 20, B; February 22, H; February 25, H; March 4, B; March 8, H; March 12, H; March 21, B; March 21, H; March 24, H; March 25, B; April 17, H; May 26, B; May 27, B.

Gov. BUTLER. What year have you got to now?

Mr. BROWN. 1878.

Q. (By Mr. BROWN.) Then from May 27, 1878, it skips over to what? A. August 31, 1878, B; November 2, H; November 4, H; November 11, B; December 4, H; December 18, H; December 18, B; December 22, H; December 23, H; December 24, B; December 24, H; December 25, H; December 27, H; December 27, B; December 29, H. Then we come to January 3.

Q. January 3, 1879; and there you commence to run into the record of Father Gigault? A. Yes, sir.

Q. Now, I want you to take — Does this slip include all those that are marked with an initial, as you say, or only those that are on Father Gigault's book? A. Only those on Father Gigault's book. These names here [on the memorandum] are on Father Gigault's book, and I find them on the death-book marked with these initials.

Q. Now, just call them through 1879. A. January 3, B; January 6, H; January 5, H; January 9, B —

Q. That January 3, B, is on Father Gigault's book? A. Yes, sir.

Gov. BUTLER. I don't think this examination of books should be taken out of my time.

Mr. BROWN. Then I don't know why you should put them in if you are not willing that the witness should be cross-examined.

Gov. BUTLER. I am willing; but simply for him to call H, B, which anybody else can see as well as he, isn't any cross-examination.

Mr. BROWN. This witness has submitted here a partial examination of these books with certain initials. Now, I intend, if these initials are going in, as the committee has indicated, that all the entries where the initials are found shall go in.

Gov. BUTLER. So do I; and have put them in.

Mr. MELLEN. It is in.

Gov. BUTLER. It is in. It is only asking him to read them and taking up so much time. I understand it perfectly.

Mr. BROWN. If the committee don't want them all read I will try to abridge the matter somewhat.

The CHAIRMAN. Make it as swift as you can, Mr. Brown.

Q. Now, just go on and run down the page and give the dates where these initials are without calling them. Give me the last initial in the spring of 1879—the last entry where you find an initial in the spring of 1879. A. Do you want them all called?

Q. Yes. A. I left off at the 19th. Did I call the 19th? January 19, H; January 21, H; January 26, H.

Q. I want you to show where Father Gigault didn't attend. I want you to show where he did attend. A. I cannot by this book. They didn't put in the name of the clergyman.

Q. Then omit that. Hold on a moment. Give me the last entry where you find an initial in the spring of 1879. A. That would be in the other book.

Q. What is the last entry in that book, please? A. The last entry here marked with an initial is February 15. That may have been in the other.

Q. I know; but the last entry in this book? A. Volume one?

Q. It is February 15, 1879? A. Yes, sir.

Q. Very well; take the next book. A. February 17, H; February 18, B; February 19, H; February 20, H; February 26, H; February 26, H; February 26, H; March 4, B; March 6, H; March 8, B; March 8, B; March 12, H; March 13, H; March 10, H.

Q. Go right on through the spring. A. April 9, B; April 24, H; April 25, H; April 30, H; and that is the last.

Q. Then, from the 30th of April, 1879, you skip over to what date? A. The next H appears September 29, 1879.

Q. September 29? A. Yes, sir.

Q. So that there is no mark between April 30 and September 29? A. That is, none of these marks of H or B.

Q. Well, any other initial which, according to your interpretation, means anything of the kind? A. No, sir.

Q. Now, from September 29, go on.

Gov. BUTLER. Well, we have got that all on that paper.

Mr. BROWN. I beg your pardon: only those in Father Gigault's book are on this paper.

The WITNESS. That is all I am giving you now.

Mr. BROWN. I asked you to give them all.

The WITNESS. I am only giving those opposite Father Gigault's name.

Gov. BUTLER. They are all opposite Father Gigault's name, as I understand, after that.

Q. There are others in the year 1879 where you find the initial, where some other person is named as the clergyman who performed the funeral rites.

Gov. BUTLER. No.

The WITNESS. There are. There is one here.

Q. Give us the names of some of them? A. Here is French; April 22; marked B.

Q. Any other name? A. French began March 20.

Q. Just give us a variety; give us all the different names of the clergymen? A. Gigault and French I have given; I think those are the only two. Oh, here is one; February 19th, Edson, B. That is all the different clergymen I see.

Q. Well, now, as I understand you, you haven't made any calculation to find out how many there are on those books that have an initial? A. Not the total number; no, sir.

Q. Except a calculation to find how many appear upon these books, and also upon Father Gigault's books, where the initial is? A. That is all.

Q. Do you know the handwriting of the initial? A. I do not.

Q. You do not? A. I do not.

Q. Do you know what the initial means, except as you have guessed at it? A. No, sir.

The CHAIRMAN. Hurry up, Mr. Brown; hurry up.

Q. Now, in the year 1882, were there any marked with initials? A. No, sir; I never have observed any.

Q. And only in the years from 1876 to 1879; is that all? A. That is all.

Mr. BROWN. Now, let me look at 1879 one moment. That is all, I believe.

Q. (By Gov. BUTLER.) That is to say, on looking it over you find this: that during the winter months, when the Harvard Medical School was in session, and other medical schools were in session, you find H and B opposite the bodies: and during the summer months, when they were not there dissecting, you don't find any? A. No, sir.

Gov. BUTLER. That is all.

The CHAIRMAN. Let Father Gigault's book be handed to the committee.

The WITNESS. Here it is.

TESTIMONY OF GEORGE E. SKINNER (*sworn*).

Direct examination by Gov. Butler.

Q. Where is your place of business? A. Twenty-eight Faneuil Hall Square, Boston.

Q. (By the CHAIRMAN.) What is your full name? A. George E. Skinner.

Q. (By Gov. BUTLER.) Did you ever visit the Harvard Medical School? A. I did, sir.

Q. With whom? A. With A. T. Andrews.

Q. Who else? A. The janitor who was there at the time.

Q. The janitor there at the time. Anybody else there at the time besides him? A. What do you mean; that went in?

Q. With you? A. Yes, sir; Mr. Stevens.

Q. Mr. Webster? Did Mr. Webster go in with you? A. No, sir.

Q. When was it? A. About nine years ago, last December.

Q. In December; what day of the week? A. Sunday.

Q. Did you go through the dissecting-room? A. I did.

Q. See any bodies on the table? A. Yes, sir.

Q. Tables all full? A. Yes, sir.

The CHAIRMAN. A little louder, Mr. Witness.

Gov. BUTLER. He says yes, sir.

Q. We are told there are ten tables there. One at each. Did you look into the dead-house? A. I did.

Q. How many bodies did you see in the dead-house? A. Well, I could not tell the number, but I should think there might be a dozen, and possibly twenty.

Q. How were they distributed; on shelves, or piled up like cord-wood on the floor? A. They seemed to be thrown in promiscuously.

Q. All there at the same time? A. Yes, sir.

Q. Did the janitor show them to you? A. Yes, sir.

Q. Was there any children amongst them? A. Yes, sir.

Q. How many? A. Well, I remember seeing one; and there might have been more; but I only remember distinctly of seeing one.

Q. By children you mean —? A. I mean probably there might have been two or three of those.

Q. Naked or clothed, were those bodies? A. Naked.

Mr. LEARNARD. I didn't hear the answer of the witness.

The WITNESS. Naked.

Q. Ever go there more than once? A. No, sir.

Q. Did you go there at the invitation of the janitor? A. No, sir. I was invited by Mr. Andrews.

Q. The one that testified here the other day. You went in with him? A. With Mr. Andrews; yes, sir.

Q. And the janitor was there with you, I suppose? A. Yes, sir.

Gov. BUTLER. I got the name of Webster instead of Andrews. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. You say that was nine years ago last December, of a Sunday? A. Yes, sir.

Q. Who was the janitor? A. I think his name was Waterhouse.

Q. And you went in by invitation of Mr. Andrews? A. Yes, sir.

Q. Had he ever been there before, within your knowledge? A. I could not say whether he had or not.

Q. You didn't hear him say? A. He had been there either before or afterwards; I think he had been there before.

Q. How had he, at the time you were there, been there afterwards? A. Because I know that he told me that he had been there afterwards.

Q. He told you nine years ago last December that he had been there afterwards? A. No, sir; after he had been there he told me afterwards that he had been there.

Q. So that that seemed to indicate that that was his first visit when you went with him? A. It might possibly have been.

Q. Did you examine those bodies carefully? A. Well, on the dissecting-table I examined them.

Q. Well, the bodies in the dead-room you didn't examine at all — the bodies of the children? A. I remember in the dissecting-room of seeing them.

Q. Did you examine the body of the child in the dead-room? A. No, sir; I didn't go into the dead-room.

Q. You cannot tell within two years how old it was by what you saw? A. I could only tell about the size of it; the general appearance.

Q. About how tall or long was it? A. I didn't measure.

Q. You don't remember? A. Never formed any judgment of its length; no, sir. I should not want to say.

Q. Now, come to the dissecting-table. Did you examine the children on the dissecting-table? A. Well, I didn't lay my hands on them. I stood near enough; I remember seeing one with the head sawed off.

Q. Sawed off from the body at the neck? A. No; sawed in two, diagonally.

Q. That is, the skull divided? A. Yes, sir.

Q. Were they covered up with anything? A. They were covered with sheets, some of them; some were not.

Q. I am talking about those two children. Were either of those covered up with sheets? A. I don't remember about those, whether they were or not; I know some of them were.

Q. That is, some part of the body? A. Some part of the body; yes, sir.

Q. Did you remove the sheet to see them? A. No; the janitor did.

Q. Removed the sheet to see the head; and at the time you saw the head the rest of the body was covered with the sheet? A. The private part of the body was covered with the sheet.

Q. Now, about the other body which you refer to, where the head had not been sawed off; was that covered with a sheet also? A. I don't remember distinctly. I say part of the body was covered; I would not distinguish whether they were all. My impression is that the private parts were covered.

Q. I don't want your impression, unless you can tell with some degree of confidence? A. I will tell you just as it is.

Q. Then you can't tell with any degree of confidence whether they were or not? A. Yes, I can.

Q. Now, was the other child, whose head had not been sawed, covered with a sheet? A. I think they were covered with sheets.

Q. Both of them? A. Yes, sir.

Q. And the janitor removed the sheet from the head of the one so that you saw it? A. Yes, sir.

Q. Did he remove the sheet from the head of the other child,

that you recollect? A. My impression is that the sheets were lifted from most all of them; I think all.

Q. Will you swear to it? A. Yes, sir.

Q. Lifted it from both children? A. All that I saw; and I think I looked at all of them.

Q. When you say all what do you mean? A. I mean all the bodies on the dissecting-tables.

Q. I don't ask that; I am asking about children. Now, will you swear that the sheets were lifted from the bodies of both children? A. To my best knowledge I think they were.

Q. To the best of your knowledge, you think? A. Yes, sir.

Q. To the best of your knowledge, do you know? A. My knowledge is pretty good on that point, for I know it made me pretty near sick.

Q. Yes, and you turned your head pretty quickly and got out? A. No, sir; I did not. I can stand a good deal.

Q. You stayed there and were sick? A. I stayed and saw it.

Q. Notwithstanding you were very sick? A. No, I was not sick; it gave me a sickening feeling.

Q. You only examined them for a moment. I suppose, it was so unpleasant? A. We were passing through.

Mr. BROWN. That is all.

Q. (By Gov. BUTLER.) You are sure you saw two children, whether the sheets were lifted or not? A. Yes, sir.

Gov. BUTLER. That is all. I won't trouble you any further.

TESTIMONY OF JOSEPH O'NEIL (*sworn*).

Direct examination by Gov. Butler.

Q. Your name is Joseph O'Neil, is it? A. Yes, sir.

Q. Where are you employed now, sir? A. At 157 Tremont Street, clerk for Henry C. Bird & Co.

Q. Clerk for Henry C. who? A. Henry C. Bird & Co., auctioneers.

Q. How long have you been employed there? A. Well, off and on, three or four years.

Q. Were you once a student of the Harvard Medical School? A. Yes, sir.

Q. What year? A. 1873-74.

Q. And have you ever seen children and babies dissected

there? A. Yes, sir; the first subject I ever dissected was a baby.

Q. Where did you dissect it? A. In the dissecting-room.

Q. Whom did you pay for it, if anybody? A. I paid Mr. Waterhouse, the janitor.

Q. What else did you dissect? A. I dissected, in Christmas week of that year, a body of an animal.

Q. Of an adult? A. Of an adult.

Q. Did you ever look into the dead-room? A. Yes, sir; I did.

Q. Ever see any children there? A. I saw two in the dead-room. I saw one outside, in Dr. Dixwell's arms; whether he was to dissect it or not, I could not tell.

Q. What did you pay for the child? A. I paid two dollars. There are five students on one body, and two dollars apiece.

Q. What did you pay for the child? A. Each one of us paid two dollars, making ten dollars for the whole body.

Q. How old was the child? A. I should judge, sir, about a year, or a little over.

Gov. BUTLER. The witness is yours, sir.

Cross-examination by Mr. Brown.

Q. Are you under the influence of liquor? A. No, sir.

Q. How many times have you drank to-day? A. How many times have I drank to-day?

Q. Yes. How many times have you drank to-day? A. Once—for dinner.

Q. Just before you came in? What made you go to sleep over there in the corner? A. What makes anybody go to sleep in this warm weather?

Q. What made you stagger when you came to the chair? A. Just after waking up.

Q. Nothing else? A. No, sir.

Q. Not in the habit of drinking? A. No, sir.

Q. Never drank before to-day? A. Yes, sir.

Mr. BROWN. That is all.

TESTIMONY OF GEORGE E. SKINNER (recalled).

Q. (By Gov. BUTLER.) I want to ask a single word of the last witness—something I omitted by accident. Did you see, when you went in there, this woman with her hair all cut off? A. I did.

Q. Did you see the trunks in which the bodies came into the dead-house? A. I did, sir.

Q. How many of them? A. Well, I remember of seeing some three or four there.

Q. Were they open or closed, do you know? A. They were opened while I was there, to look in.

Q. Anything in them? A. Nothing in them. I asked them what they used them for, and they said to bring bodies from Tewksbury.

Gov. BUTLER. That is all.

TESTIMONY OF HERBERT H. LYONS (*sworn*).

Direct examination by Gov. Butler.

Q. Were you a student at Harvard? A. I was.

Q. What is your full name, Doctor? A. Herbert H. Lyons.

Q. Where are you in practice now? A. Fitchburg.

Q. What time were you in Harvard? A. I entered in the spring of 1879, and graduated in 1881.

Q. While you were at Harvard, did you ever dissect any babies? A. I did.

Q. Where? A. In the dissecting-room of the Harvard Medical School.

Q. Did you make any secret of it? A. What, sir?

Q. Did you make any secret about doing it? A. No, sir.

Q. Did you pay for it? A. I did.

Q. How much did you pay? A. About a dollar.

Q. How old was this baby? A. I should judge about a year old.

Q. Did anybody share with you in that? A. There was another gentleman and myself.

Q. And he paid the same, I suppose? A. He paid the same.

Q. And I suppose you dissected a portion of an adult? A. We were required to dissect three parts, according to the rule of the college. That counted for two parts for me, so that I had only one other part to dissect; I dissected that from a grown subject.

Q. Half a baby was called one part? A. Half a baby was called two parts, and the whole of a grown person was called five parts.

Q. So that you dissected your part of a grown person and half of a baby, and that made the three parts required? A. Yes, sir.

Q. Who was demonstrator of anatomy at that time? A. Dr. Beach.

Q. Have you read this testimony in this investigation? A. Part of it.

Q. Did you read his?

Mr. BROWN. He was not here as a witness.

Gov. BUTLER. I know now why he was not called; he went into the dissection of babies.

Mr. BROWN. I didn't call witnesses except to meet Dixwell; that was the only witness you put on in the first instance. This rebuttal is entirely new. If the committee rule against me, I don't object to it. It covers a new period not mentioned by Dixwell at all.

Q. Did you know where the bodies came from? A. No; I did not.

Gov. BUTLER. That is all, sir.

Cross-examination by Mr. Brown.

Q. Who was this gentleman who dissected with you? A. I think his name was Manton.

Q. Do you know where he was from? A. I think he was from Boston; I think his home is in Boston.

Q. Do you know his full name? A. Walter Porter Manton, I think it was.

Q. You think that child was about a year old? A. I think it was.

Q. And when you say that you dissected half of the child you mean you dissected one leg, one side, a shoulder, an arm and the head? A. A half right through.

Q. Did you have the entire head? A. No, sir; we both had part.

Q. You both worked on the head. And you graduated in 1881? A. Yes, sir.

Q. Well, do you consider you treated that child in a way to offend public sentiment? A. No, sir.

Q. You did not? A. No, sir.

Q. Everything was done properly and decorously as it could be in a dissecting-room, was it not? A. As far as I know, sir.

Q. You never had any reason to believe to the contrary?

A. No, sir.

Q. And if the body of any person was to be subjected, under the law, to dissection in the interest of science, can you conceive of any way it could have been done better than at Harvard College, at the time you were there? A. During the dissecting part I should say I could not.

Q. Of course that is all you refer to now. And your answer is that you cannot. A. I cannot.

Mr. BROWN. That is all.

Q. (By Gov. BUTLER.) What was done with what you cut off? A. Well, there were receptacles there for it to be thrown into, and I don't know what became of it afterwards.

Q. Did you see others dissecting bodies there? A. I did.

Q. Children's bodies? A. No, sir.

TESTIMONY OF ROBERT L. ROBBINS (*sworn*).

Direct examination by Gov. Butler.

Q. Dr. Robbins, are you connected with any medical institution? A. I am connected with the Boston Dental College.

Q. (By Mr. CHESTER.) What is the full name of the witness? A. Robert L. Robbins.

Q. (By Gov. BUTLER.) The Boston Dental College. How long have you been connected with it? A. Since its incorporation, sixteen years ago.

Q. Did your college ever have any bodies from Tewksbury? A. Yes, sir.

Q. When did you first commence having them? A. The first of my knowledge is in 1875. One body, I think, came from there then; and one in 1876, I know, came from there.

Q. Any more? A. I am not conscious that there were any more from Tewksbury to the college.

Q. How many did you have, sir?

Mr. BROWN. Now, I pray the judgment of the committee. This committee has already ruled, in two cases, that they would not go into the matter of from other colleges.

Gov. BUTLER. Oh, no; not from other colleges.

Mr. BROWN. That is, from another institution.

Gov. BUTLER. Oh, no; oh, no. What you mean to say is that I should not go into getting bodies from other places.

The CHAIRMAN. What is the question?

Gov. BUTLER. My question is — I changed it — how many

they had had in all; not where they got them from — in order to be sure. Because, you will observe, the peculiar wording of his answer. He says he is “not conscious.” If he didn’t have any more I can stop; if he did I can find out where.

Mr. BROWN. Well, put the question and I will waive the objection.

Q. How many did you have in all? A. We rarely have more than one; we have had two in one year and in some years none. For the last eight years it probably amounted to some half a dozen. I think not more.

Q. Any record of them? A. What, sir?

Q. Any record of them? A. I have two bills in my pocket which I suppose came from there; that is all the record I have, sir.

Q. And when you speak of two bills, you mean two bills that came from there? A. I suppose so. For one I have no doubt it came from the college; and the other I have no doubt it came from there. Usually the dean of the college attended to that matter, and simply presented the bill to me as treasurer, and I would pay the bill.

Q. Did you have the dean here this morning? A. Dr. Follett? I don’t know.

Q. Well, wasn’t he here?

Mr. BROWN. Dr. Talbot.

Gov. BUTLER. Was he called? I summoned one. I summoned one and he said he didn’t know, and I let him go. I wanted to know if he was the man.

Q. Did you receive the bodies? A. No, sir. I simply paid the bills as treasurer.

Q. Will you let me see those bills? A. Yes, sir. [Producing receipts.] There is one that came from there, although it is not so stated.

Q. This was December? A. The 21st.

Q. Are these two that came from Tewksbury? A. No, sir; only one came from Tewksbury; the other came from the dean, and he presented the bill and I paid it.

Gov. BUTLER. Well, I will put in this bill first.

Mr. BROWN. Let me see it first, please.

Gov. BUTLER. Yes. Then the next — I want to find — we have had another gentleman who said he went up there and got one for the college through Dr. Wheelwright.

Mr. BROWN. What is that?

The WITNESS. Dr. Wetherbee, the president.

Q. With his approval? A. With his approval.

Q. And that is much later than 1876? A. No; 1876.

Q. But there was a young doctor here from the insane asylum yesterday who testified that he went up to Tewksbury, got one, and delivered it to an undertaker — A. I know nothing about it, sir; I never received any myself. I looked carefully over my books and over my file of bills, and those are the only two entries from there. There are other entries. We have had other bodies, but not from there.

Q. [Referring to a receipt.] Well, where did this one come from? A. I don't know, sir; the dean presented that bill, and it being the same charge I supposed, I had reason to believe it came from Tewksbury; that is all I know about it.

Q. Who is J. A. Follett? A. He is our dean.

Q. And you paid the bill for the college, and he receipted the bill? A. Yes, sir; the bill was approved when presented to me, and I paid it. I know nothing more.

Q. [Referring to first receipt.] This is the other one that came from Tewksbury? A. The other one came from Tewksbury. This was presented by the dean.

Gov. BUTLER. [Reading.] "Amount paid for subject, '14.'" The item of \$2.42 is for other matter. The witness is yours, Mr. Brown.

Cross-examination by Mr. Brown.

Q. How long have you been connected with the dental college? A. Since its organization, sixteen years ago. I was one of the corporators.

Q. Now, let us see exactly what your duties are. You are simply treasurer? A. Treasurer; that is all.

Q. You don't attend to dental college matters of this kind personally? A. Not at all.

Q. Not at all? A. Not as an officer.

Q. And you have no knowledge as to where any of this material came from, except hearsay? A. Nothing more than that the doctor presented to me the bills.

Q. That one bill having been approved in that way, you inferred it came from Tewksbury. You have no means of knowing that it came from Tewksbury? A. No, sir; I have no means of telling, except my inference from the charge.

Q. Now, then, this Dr. Follett is also an officer of the institution, is he not? A. He is the dean; the professor.

Q. How long has he been connected with it? A. Well, he has been connected with it the last three years, but he has been connected really with the college since its organization. He was dean some years ago.

Q. Well, as treasurer of the college, you know something of what is going on, and how the college is used for the purpose of dissecting human bodies? A. Yes, sir.

Q. Do you allow parties from outside to come in there and dissect bodies which are not paid for by the institution? A. No, sir; not that I know of.

Q. Was there ever, to your knowledge, a body brought into that institution for the purposes of dissection that was not paid for by the institution? A. I am not conscious of it.

Q. And your institution gave a bond to the trustees at Tewksbury to cover the delivery of any bodies received for anatomical purposes? A. Yes; I think so.

Gov. BUTLER. I object. The bond will show for itself.

Mr. BROWN. The bond is in.

Gov. BUTLER. Then there is no occasion to ask about it.

Mr. BROWN. I want simply to know if it is within his knowledge that they gave it. The bond is in the case, and has been put into the report.

Gov. BUTLER. Why is it of the slightest consequence whether it is in or not?

Mr. BROWN. I think it is.

Gov. BUTLER. It won't make the bond any more or any less.

Mr. BROWN. No; but here are witnesses who have testified — there has one undertaken to testify that a man by the name of Manning came to this institution and delivered a body, and that, in the absence of any officer of the college he paid for it, and an officer of the college subsequently reimbursed him, paying him \$14 — that he and some other young men were there.

Gov. BUTLER. How does the fact whether there was a bond there touch that?

Mr. BROWN. Because the date of the bond covers that.

The CHAIRMAN. I suppose the bond must speak for itself.

Mr. BROWN. The bond speaks for itself. But His Excellency intends to argue that, without any bond, they delivered a body to this institution. I want to show what the fact is.

Gov. BUTLER. The question is knowledge, and he don't show that knowledge.

The CHAIRMAN. What is your question?

Mr. BROWN. My question was this: He has testified that no person outside of the institution was allowed to bring a body there to dissect it. He answered that without objection. Now, I ask him if the college had given a bond to the trustees to cover all cases of delivery of bodies for anatomical purposes.

The CHAIRMAN. He cannot qualify the bond.

Mr. BROWN. He cannot qualify the bond; but if it is within his knowledge that such a bond had been given, it tends to show that he and the officers were acting in good faith.

Gov. BUTLER. Acting in good faith doing what?

Mr. BROWN. Doing this business. This young man Smith testified that he had procured a body for this college through Mr. Tinkham. He said afterwards he didn't know anything about it. I want to show that everything that came there came under a bond.

Gov. BUTLER. That statement of the evidence is about as correct as usual. The young man Smith says he is a graduate of Harvard College; that he was in the employ of the State four years. He is now over in the McLean Asylum as a surgeon, and the only thing I know against him is that he graduated at the medical school of Harvard College. He testified distinctly that he went up to get a body by an arrangement with Dr. Wheelwright; and he did get it, and delivered it to the undertaker, with the understanding it was to go to the dental college. I don't know whether it went to the dental college or not, nor I don't care. He got it without any bond, and not under any bond; and it wasn't delivered to anybody who had given a bond, and that was only two or three years ago.

Mr. BROWN. I beg your pardon; you have already admitted the dental college gave a bond, and you say it was delivered to them.

Gov. BUTLER. Pardon me; I am not upon whether the dental college gave any bond. This wasn't under any bond; this wasn't upon any requisition of the dental college. This was upon the requisition of Dr. Wheelwright; and I put in that Dr. Wheelwright was not teaching anatomy, and had no more right to any bodies any more than anybody else; and how that contradicts that young man, I don't know. Then, there was another case, where Manning knocked at the door, and inquired if any-

body wanted a body, pretty much as he would have inquired, "Do you want any apples here to-day?" And they did want a body; and the students made up a purse, and bought it, and used it; and afterwards the college reimbursed them for it. That is one other of these cases. That was not under any bond, nor delivered under any bond. It was bought in the market for \$15, and hasn't been credited for only \$10, if it was credited at all.

Mr. BROWN. It is just as I supposed it was. His Excellency intends to argue that the body to which Bacon referred as having been delivered to the dental college by Manning, and the body that one Smith testified to,—he proposes to claim that both those were delivered without any bond; just as I supposed. Now, Smith testified in the first place that he didn't know anything about any arrangement of Dr. Wheelwright with the dental college. All he knew was that Dr. Wheelwright succeeded, and he assisted, in getting a body delivered by the undertaker here in Boston to the dental college.

Gov. BUTLER. No, no.

Mr. BROWN. He never saw the body.

Gov. BUTLER. No, no, no.

Mr. BROWN. He said he went to Tewksbury.

Gov. BUTLER. He says it was delivered.

Mr. BROWN. I submit if you say it was otherwise turn to the record and show it.

Gov. BUTLER. He said he delivered it to the undertaker, and that is all he knew about it. If you think a moment—

Mr. BROWN. I beg your pardon; he said he didn't know anything about it, and that he never saw the body.

Gov. BUTLER. He saw the coffin it was in.

Mr. BROWN. Then you took him up and asked him if he went to Tewksbury to get a body, and he said he did. He never saw the body, and never knew anything about it.

Gov. BUTLER. But he got a coffin with it in.

Mr. BROWN. And if His Excellency now claims, just as I supposed when I was on my feet before, and intends to argue, that these two bodies were delivered by the authorities at Tewksbury in violation of law, no bond having been given, I think it is competent for me to show, not only that there was a bond, but that there never was any body dissected at this institution, delivered from Tewksbury, that was not delivered to the institution with the understanding that it came upon a bond.

Whether it was right or not is another question. His Excellency claims there should be a bond with every body.

Gov. BUTLER. I do.

Mr. BROWN. Other lawyers who are eminent in the profession, say that in the case of an incorporated college, under this statute, there is no need for a bond at all; that the bond is only to be required when the body is to be delivered to a physician or surgeon. Now, in view of the fact that His Excellency claims he intends to argue that way, I ask the question.

Gov. BUTLER. What question?

Mr. BROWN. Why, the last question.

The CHAIRMAN. The question, as I remember it, is whether the college intended that the bond should cover everything; the bond must speak for itself.

Mr. BROWN. Mr. Chairman, if these people knew they should give a bond for every body, they are liable under the law, provided the institution gave the bond at all.

The CHAIRMAN. Of course, and have been for three months.

Mr. BROWN. Now, that is just the question I want to ask this witness; how he understands it,—a question of good faith.

The CHAIRMAN. The question is how he understands the law.

Mr. BROWN. The question is how he understands the law, or the whole transaction; whether he understood that if the bodies came there under these circumstances they were covered by the bond.

Gov. BUTLER. The difficulty with all that is, that this man says he don't know anything about it; he was not the receiver of them, and don't know how they came nor when they came; all he knew, he paid the bills.

Mr. BROWN. What did you put him on for, then? I will take His Excellency's statement of the evidence and dismiss the witness,—that the witness don't know anything about it.

The CHAIRMAN. Call your next, then. I should like to inquire whether the bonds have yet been extended on the record; I should like to find them.

Mr. BROWN. They were put into the hands of the stenographer.

TESTIMONY OF ARTHUR H. WILSON (*sworn*).*Direct examination by Gov. Butler.*

Q. Are you connected with any medical institution in this city? A. I am.

Q. What? A. College of physicians and surgeons.

Q. How long has that been running? A. That has been running three years; about three years.

Q. About three years? A. Three years in November, November, 1883, since it was incorporated.

Q. What position do you hold? A. I am the teacher of anatomy.

Q. Do you know about what bodies come to your institution? A. Yes, sir.

Q. Where from? A. Most of them from Tewksbury.

Q. How many have you had within the last three years? A. We have had eleven bodies from Tewksbury the last two years.

Q. The last two years? A. Yes, sir.

Q. Beginning when and ending when? A. Beginning with January, 1882, and ending with March or April; March, I should say, 1883.

Q. Who did you receive them from? A. We received them from the institution.

Q. Institutions don't do much in this way; somebody does it, I suppose. A. Well, do you mean who did we make our arrangement with?

Q. Yes, sir. A. With Thomas J. Marsh, Jr.

Q. Whom did you pay for them? A. Thomas J. Marsh, Jr.

Q. How much apiece? A. Sixteen dollars.

Q. Got a receipt? A. I have not; the treasurer pays the bills; I presume he has a receipt. That, however, I can't answer for.

Q. You know what you were to pay for and what you did? A. Yes, sir.

Gov. BUTLER. That is all.

Cross-examination by Mr. Brown.

Q. How do you know he paid \$16, then, if you didn't pay for them? A. I don't actually know that anything has been paid for the bodies.

Q. Why did you testify that \$16 was paid?

Gov. BUTLER. Let him finish his answer.

A. Because that was the price which we agreed to pay for the bodies.

Q. Precisely. A. And I have no doubt it was paid.

Q. Whether it was paid or not, you don't know? A. I am as sure about it as about most things.

Q. I am asking what you knew about it, sir. A. I know the bill for last year was paid, and I think this one.

Q. You don't know anything about what was paid. A. I have just testified we agreed to pay \$16, and I have no reason to believe anything less was paid.

Q. And you don't mean to testify anything has been paid, of your personal knowledge, do you? A. What do you mean by that question?

Q. You know what personal knowledge means? A. I haven't seen any money paid; no, sir.

Q. And if you have any information upon the subject it is something which has been told you? A. I have some personal knowledge of quite a number of things I have not seen, however.

Q. Well, if you have any information upon this subject it is that which has been told you, isn't it? A. Any information upon the subject? Oh, no; it is not any information upon the subject that has been told me. As to the information about the price and about who to deal with and all that, I had direct from Mr. Marsh himself.

Q. If you have any information upon the subject as to how much has been paid, it has been told you, has it not? A. Yes, it has, of course.

Mr. BROWN. That is all.

Q. (By Gov. BUTLER.) Are you on the board that purchases the supplies?

Mr. BROWN. I didn't open that.

Gov. BUTLER. Why, yes, you did; you have gone into the source of his knowledge.

The WITNESS. A. No, sir.

Mr. BROWN. He says he is not on the board, so that is the end of that.

Gov. BUTLER. That is all, sir; I sha'n't have to trouble you any longer.

TESTIMONY OF LORENRO S. FAIRBANKS (*recalled*).*Direct examination by Gov. Butler.*

Q. Have you examined the testimony of Mr. Charles B. Marsh about the erasures and in relation to your finding them?

A. Yes, sir; I don't know that I have seen all of it. The testimony of day before yesterday?

Q. Yes. A. I have read all of it that was published in the Globe; I have not seen the official report.

Q. Have you your memorandum of what you took, if you looked over the book, in regard to that? A. I looked over the books with reference to the number of erasures he has against charges, etc.; that is, with reference to the practice of erasing.

Q. With reference to his saying that his practice was to erase, to charge, and then, if more came in, to erase and put it down; and then, if there was more paid out, to erase once more and alter that? A. Yes; I looked over specially with reference to that.

Mr. BROWN. I pray the judgment of the committee.

Gov. BUTLER. I want the judgment of the committee on that.

Mr. BROWN. We have got a newspaper here —

Gov. BUTLER. No, we haven't.

Mr. BROWN. That this witness seems to read; and he proposes to enlighten his judgment by that newspaper and then come in here and testify.

The WITNESS. Not by any means.

Mr. BROWN. That is what the witness says; that the only report of the evidence he read was in a newspaper called the Globe. Now, if that is a reading of the record which will qualify a man to contradict a witness I should like to know it, because I have some newspapers interested in this matter.

The WITNESS. That is not it at all.

Gov. BUTLER. This is it. He read the testimony of Charles B. Marsh where he testified to his habit of erasure. He then, at my request, examined to see if that was a habit, or whether it was simply to evade my question.

The CHAIRMAN. Now, what is the specific question you wish to put?

Gov. BUTLER. My question is: Did you look over the books to see whether the habit of keeping them was to put

down an amount; then, if there was any change in the amount by money being paid in, to erase the original amount and put a new amount in in the place where that erasure was; then, if there was any payments made and a settlement was made at the end, to erase that amount and put in the last amount which the settlement found due. Whether the books show him, as an expert, that that was the way they were kept; because, I didn't believe, and I don't believe anybody else believed the books could be kept that way, unless you kept it on a board and had plenty of space to plane off. I want to show it was impossible to keep a book that way on pretty thin paper, as this is.

The CHAIRMAN. Now, Mr. Brown.

Mr. BROWN. This witness has stated under oath that the only knowledge he has of the testimony of Charles Marsh was what he read in the Globe.

The CHAIRMAN. I don't think he can ask anything about the Globe, but he can ask what the fact is, if he has re-examined the books, without reference to his testimony.

Mr. BROWN. But the only knowledge of what Charles Marsh said is what he found in the Globe; that is what he said.

The WITNESS. No, sir; I will state how it is, if the chairman will allow.

Mr. BROWN. State how what is?

The WITNESS. How I came to do this.

The CHAIRMAN. Let us hear what you have to say, Mr. Fairbanks.

Mr. BROWN. The question is what knowledge has he got of what Charles Marsh testified to?

Gov. BUTLER. Oh, no; I haven't asked that question and don't intend to.

Mr. BROWN. I know you haven't, but I think that is just the thing; he should show how he got his knowledge as to what Charles Marsh did testify to.

The CHAIRMAN. If he can contradict Charles Marsh's last testimony he has a right to.

Mr. BROWN. Very true; but he can't contradict it till he knows what it is; and, if he hasn't had anything but a newspaper report, will the committee allow him to inform himself by a newspaper report and then contradict a newspaper report?

The CHAIRMAN. No; I don't think they will.

Mr. BROWN. That is precisely the condition of things.

The WITNESS. I think I can clear that all up, if I am allowed to state it.

Mr. BROWN. Have you any knowledge of the record except what is contained in the newspaper?

Gov. BUTLER. Wait a moment, please. The witness was wanting to answer the chairman when you interrupted. Now [to the witness], won't you state exactly what you have done and what conclusions you have come to. Let Marsh's testimony take care of itself in view of your own.

The CHAIRMAN. What you have done to meet the testimony of Mr. Marsh as to erasures on the inmates' cash-book?

The WITNESS. Not how I obtained any knowledge of what was wanted?

The CHAIRMAN. No; not how you obtained any knowledge whatever.

The WITNESS. [Reading from memorandum.] I examined the inmates' cash—

Mr. BROWN. Wait a moment!

The CHAIRMAN. Before reading, tell us what process you have been through?

Gov. BUTLER. What you have done.

The WITNESS. I have examined the inmates' cash-books, Nos. 1 and 2.

Q. (By the CHAIRMAN.) When did you do that? A. Yesterday; Nos. 1 and 2, as I call them: I call the last two Nos. 1 and 2, because they have been called so through the investigation. There is a previous one I don't consider. And I examined them in reference to the practice of making charges in pencil-mark, and then, in course of settlement, whether the party was discharged or died or was paid off, of deducting these charges and erasing or not erasing the amount to correspond, through those two books.

The CHAIRMAN. Do you object to that, Mr. Brown?

Mr. BROWN. Yes, sir.

The CHAIRMAN. Upon what ground?

Mr. BROWN. It is not in contradiction of Charles Marsh in any way, shape or manner; and His Excellency cannot find a syllable in the record to that effect; if he can I should be very glad to see it and I will then admit it without objection.

Gov. BUTLER. You know and the committee knows.

Mr. BROWN. You say you know, but you cannot find it.

Gov. BUTLER. I am not going to look; I know what is there.

Mr. BROWN. I know it is not there, and you can't find it; if you could you would.

Gov. BUTLER. I haven't tried to find it; I have hardly looked at the record once; I have left that to other people.

Mr. BROWN. Let somebody else find this, then.

Gov. BUTLER. I don't want them to. The committee knows what he testified to, the chairman of the committee knows, and there isn't a man here who doesn't know that he testified that his method was this at sometimes, — not sometimes, but generally, — sometimes he did it another way, — when an inmate came in to put down his cash; then, if any more came in, to scratch out that and put down the added number over that; then, if there was anything paid out to him, which he kept by pencil-marks, twenty cents and twenty-five cents and seventeen cents, when he came to settle he scratched out all there was before and put down the amount settled upon, and then he crossed that out and that settled the account. Now, I want to prove that no man ever did or ever could keep an account that way, and he has not done so there.

Mr. MURPHY. I remember, Mr. Chairman, his testifying to that fact; I remember it distinctly.

Mr. BROWN. I should be very glad to have the gentleman find it.

Mr. MURPHY. I don't want to go through about three thousand pages to find it; I can trust my memory, because I thought at the time —

Mr. BROWN. He only testified day before yesterday, and you can be excused from looking through the first two thousand pages to begin with.

The CHAIRMAN. I understand it this way: that Mr. Fairbanks testified to fifty-four cases of erasures, and he went into it in detail, spending a day. Then Mr. Marsh came in, day before yesterday, to answer that testimony of Mr. Fairbanks. Now, Mr. Fairbanks comes in to reply to Mr. Marsh. Well, that seems to me to be competent.

Mr. PUTNEY. I think, Mr. Chairman, the evidence is as the gentleman on my left [Mr. Murphy] has stated it.

Mr. MURPHY. I remember it without the slightest doubt.

Mr. PUTNEY. That that was his habit of keeping books; making erasures, and adding on or subtracting from, as occa-

sion required. It struck me, at the time, as a very funny way, to say the least, of keeping books.

[The question was admitted by a unanimous vote of the committee.]

THE WITNESS. Number of names in the inmates' cash-books, marked "paid" or "died," or ruled off as settled, against which there are charges of partial payments, but no erasures or alterations of amounts: Book No. 1, 31; Book No. 2, 522.

MR. BROWN. Now, Mr. Chairman, this isn't in reply to what Mr. Marsh testified to.

THE CHAIRMAN. No; I think Mr. Marsh's testimony was as to the 54 cases.

MR. BROWN. As to the 54 cases and nothing else; and now he has opened the whole case of the 3,611 entries.

THE CHAIRMAN. I don't think it is competent to go beyond the 54 entries.

GOV. BUTLER. Pardon me; he went into the question of how he kept these books, and, instead of being kept by erasure, as he said it was, I want to show that it was not, and that the erasures are only 54 out of 500. That is not a way a man keeps books; that is all. He kept it right the other way, Mr. Chairman; he kept it without erasure, and only erased either with acid or something else, where there was occasion to erase for a given purpose which I won't characterize now. It is to contradict him, expressly. To get away from my questions he said that was his habit of keeping books; then I shew him where he had put it with plus and plus, and he said he had learned better lately, and that was his habit before. That was simply, in my opinion, a story to meet the occasion; and I want to show it was a false story and that that was not the habit, that was not the manner in which he kept this book at all.

MR. BROWN. Mr. Chairman, Mr. Fairbanks was produced here as an expert in all sorts of things, book-keeping by double entry and single entry and all the other entries; and an expert in handwriting; and several other qualifications he had; and he went on, and he went through all these three cash-books, and, as Mr. Records said this morning, there are upwards of 3,600 entries.

GOV. BUTLER. He says precisely different; that isn't true, a word of it.

MR. BROWN. He went through that entire list from beginning to end.

Gov. BUTLER. He did not.

Mr. BROWN. And he found what he called 54 mistakes. We went on and we showed that out of these fifty-four mistakes this omniscient expert made 36 errors himself in the 54, and that is all to which we ever replied. We showed that in our records there were only 14 out of the 54 errors alleged by Mr. Fairbanks in which he had got himself anywhere near the mark ; all the others were mistakes, blunders, — wilful blunders ; because he hadn't pursued the history of the inmate to find whether his cash had been turned over to the Commonwealth or not. And, if that was not enough to disqualify him not only as an expert but as a witness, then I certainly don't know anything that can disqualify a man from testifying. Mr. Marsh comes in with a memorandum containing nothing but the memorandum of Mr. Fairbanks's testimony, as to those 54 entries in the cash-book, nothing else. He testifies and explains those, and you all remember the result. Now, His Excellency, in cross-examination, asked Mr. Marsh some questions, and Mr. Marsh said that he sometimes made these erasures after he had paid out money, erased the figures indicating the original amounts and put in a smaller amount, rubbing out his pencil mark at the same time, so that the new entry in ink should represent the actual balance at that time. Then, he went on, and he said in cross-examination that he had made another entry, sometimes, but not invariably, — never testified invariably. Why, the very entries to which he referred, several in the list of the 54, were entries which would have contradicted him if he had so testified, that that was his universal habit, and he must have been a fool to have looked the entry right in the face and made the statement which His Excellency said he did. Now, I assert that His Excellency nor any member of this committee, can find that Charles Marsh testified that that was his invariable custom ; and that is why I was so emphatic at the outset. I saw exactly what His Excellency was trying to do. Now, he wants to go on, claiming that the witness has said that he universally and invariably did a certain thing ; he is [going to take other entries which have never been called in question, for the purpose of showing that he made a mistake in his cross-examination : that is all. That is the whole of it. Now, it is opening this matter entirely anew, entries that we have never heard anything about ; and, as I say to the committee, if you will have the kindness to

look at Charles Marsh's testimony, you will find that he didn't testify that that was his universal practice.

Gov. BUTLER. I never said he did.

Mr. BROWN. Then it is not competent.

Gov. BUTLER. Very well; that is another matter.

Mr. BROWN. If he sometimes did and sometimes didn't, you must confine yourself to the cases where he said he did when he didn't. You can't go into all these outside entries. If you can find a case where he said that, having had a certain entry made in the first instance, that then he disbursed certain sums of money, in small or large amounts, as the case may be, and, after that money was disbursed, he then erased and put the actual balance in the new entry, erasing the original one, — if you can find a single instance where he testified to that, and then you can show that he didn't do it, that is rebuttal, otherwise it isn't. It would have been, perhaps, if he had testified that that was his universal custom: but, His Excellency having withdrawn that proposition, that he testified it was his universal custom, — the only thing I contended for when I was first upon the floor, — it now comes back simply to this: That he must take an instance where Charles Marsh said he did do that particular thing, and he must confine himself to contradicting him and showing that in that particular instance he didn't do it. And, if he can show an instance of that kind, I will withdraw the objection.

Gov. BUTLER. There have not been so many misstatements made, and that is saying a great deal, in the same space of time since we began here, as there have been in the last fifteen minutes.

Mr. BROWN. You mean during the last minute.

Gov. BUTLER. The first thing, he said that these three books have been gone through with by Mr. Fairbanks, and so many thousand entries upon them, and in those he only found fifty-four mistakes. Now, this first cash-book has never been examined by anybody, being in a condition not to be examined, as anybody sees. Nobody has done that at all; but he has had these names counted by a rather pretty-looking young lady here: and she swore —

Mr. BROWN. I beg your pardon: Mr. Records counted these. You have got a man for a woman; you are all mixed up, — mixed the babies up.

Gov. BUTLER. Assuming Mr. Records, — I don't care who, —

he had them counted in order to show how many entries Mr. Marsh swore about, when he knew,—no, he didn't know; I take it all back; he isn't capable of knowing,—when he ought to have known that that book never had been used at all by anybody in this investigation. It was done simply to deceive. Now, then, these two books. Mr. Marsh says: "I kept these books in two ways. My usual way of keeping them was, when an inmate came in to put down the cash that he had; if anything more was added after that, I scratched out the original entry and put down the new amount, adding the two. Then, when I came to settle, if I had paid out anything, I then, my usual way was, to scratch out the entry as it stood and put down another entry of the settled cash with the deductions." Well, he said the other way he had was to put down plus, the first cash, and then, sometimes, and that was only lately in the book, he said, sometimes plus so much, plus so much, according to the number of entries of cash that were added. And, you will remember what I said. "Then you keep your book by a sort of double entry, scratching out and adding." You remember that. Now, I didn't believe then, I don't believe now, that a man can keep his books in that method, or that he has done it in that way; and I asked Mr. Fairbanks to look this over and see if that is the way that he has kept this book, the way he swore he did, by scratching out and putting in, at least twice erasing; and I am going to show that there are only a small number of erasures that can be found. That is the very point, that there is a large number of settlements and only a small number of erasures, so that the books were not kept in that form. It was an impossible form; and I am going to show that it would have been impossible, for in the three scratches he would have scratched clear through the paper. There is one thing that has not been adverted to by Mr. Brown, because I want to treat the committee fairly, that detracts from the weight of what Mr. Fairbanks will say. When I speak of erasures, and when he spoke of erasures, we were only speaking of erasures made with an erasing knife or a common knife, scratching.

MR. BROWN. That is, we are to take that as your interpretation of the record.

GOV. BUTLER. That is what we were speaking of, because nothing had been said at that time about acid. What would take away from the weight of the testimony is, that if it was

done carefully with acid, he might have done it over a great many times; and if he had got pure acid, pure white acid, so as not to have disturbed the paper, he could have kept it that way. But he didn't put in the acid business at all; he only put in the erasure. Acid isn't an erasure; erasure means rubbing or scratching out. But, while that may detract from the weight of the testimony,—and, if he chooses to make that explanation, I am willing,—it don't alter its competency.

[The committee voted unanimously to admit the testimony.]

The CHAIRMAN. Go ahead; there is nobody objects.

Gov. BUTLER. Now, go on, Mr. Fairbanks.

The WITNESS. Cases in which there are erasures of amounts, but no charges: Book No. 1, 16; Book No. 2, 15,—total, 31. Cases in which there are both charges and erasures: Book No. 1, 2; Book No. 2, 11,—total, 13. Cases in which additional amounts received after the first entry are entered in figures at the left, right, above or below, and when entered at the left there is usually the sign plus between them: Book No. 1, 3; Book No. 2, 21,—making 24.

Q. (By Gov. BUTLER.) Which is the largest number,—the erasures, or the putting in of plus, adding the figures? A. Cases in which there are erasures of amounts and no charges: erasures of the amounts, 31, in the two books; and, I think, the entries of figures, 24.

Q. Twenty-four? A. That is, erasures of amounts where there are no charges.

Q. Now, how many entries are there which you examined? A. Of the first number, 553; second number, 31; third number, 13; fourth number, 24.

Q. Showing, therefore, that there was of both sorts, 31 and 24; 31 erasures out of the 500, and almost as many kept the other way; and that was all out of the 541? Now, would it be possible — A. 724.

Q. Now, would it be possible — A. 621.

Q. Now, would it be possible, Mr. Fairbanks,—take this leaf of the book, — assume a case, it is of no consequence which, — assume a case where an inmate came in with an amount, and that was put down; and then the inmate received some money, and then the first was scratched out and that was put down in its place; and then, he had received money, so that on the settlement it would require a new amount to be added, and a third time it was scratched out and put down, — could that be

done on that kind of paper? A. I should not think it could, without scratching it all through.

Q. And wouldn't it show plainly where the ink would blur? A. Yes.

Q. Pounce or no pounce? A. Yes, sir.

Q. Is there any amount credited for tobacco sold, to the State? A. I think not.

Gov. BUTLER. Mr. Chairman, the witness wants the privilege of correcting a statement that he made 36 wilful blunders out of the 54 cases, — a statement by counsel.

Mr. BROWN. Nobody has said he did.

Gov. BUTLER. What?

Mr. BROWN. Nobody has said he did make 36 wilful blunders.

The WITNESS. Didn't you say there were 36 errors out of the 54?

Mr. BROWN. I did, but I didn't say they were wilful: I said they might be charged to be wilful.

The WITNESS. I should like to ask the chairman if there was any such testimony whatever.

Mr. BROWN. I don't claim there was any testimony that you made 36 wilful blunders.

The CHAIRMAN. I think after the cross-examination, if the witness desires to make any statement, he may do so.

Cross-examination by Mr. Brown.

Q. Where is that paper which you have just used? A. That is it, sir. [Handing paper to Mr. Brown.]

Q. Now, I want you to turn to every one of those 31 entries in Book No. 1. I don't care how much time it takes.

Gov. BUTLER. Oh, yes, you do; you want it to take as much as you can.

Mr. BROWN. Not the slightest; but I don't propose to have you put in evidence and I not cross-examine your witness. You can't play that on me again. [To the witness.] Turn to the first of the 31 entries in Book No. 1.

Gov. BUTLER. Well, if the committee want to sit here and hear it, I have no objection, except I don't think I can put in any evidence.

Q. Give us the first one, the name. A. I think the first one is Mary Bent.

Q. What is the name? A. Mary Bennett.

Q. What is the amount? A. There is a charge there of seven, supposed to be seven cents; and some under there. I don't know whether they belong to that name or the name below.

Q. Then, how do you know that this is an exception to Mr. Marsh's rule, or whether it follows the rule, if you don't know whether it is above or below? A. I don't know; I simply know there is a charge on the line.

Q. You don't know whether it belongs to that line or the one under it? A. I don't know whether those belong there. [Referring to the book.] I know there is one there sufficient to count it, whether the others do or not.

Q. That is to say, you find an original entry of \$7? A. No.

Q. What is the original entry? A. \$3.32.

Q. \$3.32, and then in pencil how much? A. There is 7 on the same line.

Q. Seven on the same line; and you infer that means seven cents disbursed? A. Mr. Marsh—

Q. I don't ask you to state his testimony; I want to know what you infer. A. That is the way I made it; all those that are marked in pencil at the left, I called charges.

Q. Now, you don't know whether there is another entry in pencil that belongs to that person, or whether there is not; you can't tell which line it belongs to? A. There are some right underneath between the lines; they may belong to one and may belong to the other.

Q. And you don't know which? A. No.

Q. Now, have you sworn which it belonged to? A. No; I didn't intend to.

Q. You have sworn it followed a rule? A. I swore that that is one of the entries where there was a change.

Q. Where there isn't any erasure? A. Where there is no erasure.

Q. Do you know any reason why there should be an erasure there? A. I do not.

Q. You do not? A. No, sir.

Q. Now, take the next one. A. The next one is Julius Balch.

Q. What is the original entry of cash there? A. Four dollars.

Q. Has there been any erasure? A. No.

Q. What is charged in pencil? A. I can't tell; I haven't looked at that particularly.

Q. How do you know whether it follows the rule or is an exception, if you haven't looked at it particularly? A. It would have taken me a week to have done it that way, footing it up.

Q. So you did it in a sort of fast way? A. Certainly.

Q. Is that it? A. I found charges there: I didn't stop to foot them up.

Q. Now, did you do this any more accurately than you did this other work about which you testified: the 54 cases? A. You have charged me with being inaccurate; I should like to know the facts, I should like to have the specifications.

Q. Did you spend any more time on this than you did on these 54 cases —

Gov. BUTLER [To the witness.] Wait till he gets through and you will have a chance.

Mr. BROWN. Where you made 36 mistakes out of the 54?

A. I deny I made any mistakes. Your witness has said I did; I deny it.

Q. Never mind what the witness said. Do you want to stand recorded as having denied that you made mistakes? If you do I am perfectly willing to leave it there. Now, go on with the next one. A. The next one is Jackson Butler.

Q. What is the amount entered there? A. Seven dollars.

Q. Do you find any charges there? A. Some charges in pencil.

Q. How many? A. I don't know.

Q. Can't you tell how many? A. Not very well.

Q. No erasure there? A. They are under the other figures. You can count them for yourself about as well as I can. There are some, — that is all I know, that is all I looked for, — there are some charges.

Q. Now, is that Charles Marsh's handwriting? A. I think it is.

Q. Do you know it is? A. No; I don't.

Q. Don't you know that it is not? On your oath, don't you know that it is not? A. I rather think it is not.

Q. Take these two writings, — that being Charles Marsh's, this register, — and don't you know, on your oath, as an expert, that this is not his handwriting? A. I don't think it is.

Q. Then, very well: and yet you come in here and you say

that Charles Marsh, on that book, has made all these mistakes?
A. I have not said any such thing.

Q. What did you say? A. I say I find the mistakes in the books.

Q. Find mistakes in the books. A. I have said nothing about Charles Marsh.

Q. Didn't you hear His Excellency say that he claimed to contradict Charles Marsh? A. I didn't say that Charles Marsh made them.

Q. Oh, it is a sort of combination for the purpose of deception here, is it? A. I am not testifying against Charles Marsh.

Q. You are testifying against some unknown man here? A. I am testifying against these books; I don't care who it goes against; it don't make a particle of difference to me.

Q. Now, find an entry in that book, if you can, in Charles Marsh's handwriting, and then I will ask you about that

Gov. BUTLER. You asked him for the first one, and he gave it to you.

The WITNESS. I think the most of the names in this book were entered in somebody else's handwriting.

Q. I want you to find me a single entry in that book you have testified to, that is in Charles Marsh's handwriting. A. I don't know that I can tell on the spot here.

Q. Can you tell on any spot? A. Yes.

Q. Can you tell on the spot where you were when you made that computation? A. Yes; I can tell if I have some of Mr. Marsh's handwriting; I haven't any here.

Q. Here is a whole book before you? A. I don't propose to testify in regard to handwriting here, if I can help it. It is simply to take up the time.

Mr. BROWN. I beg your pardon. I am going to ask the committee if they will stand this.

The WITNESS. I can't without examination; a book is handed me on the stand—

Q. I want to ask you this question: Is there a single entry in that book which you are now prepared to say is in Charles Marsh's handwriting? A. I am prepared to say that I think that some of these entries of payments are in his handwriting and some of the names, but what ones I can't say positively; I am not positive about any of them.

Q. And you are not prepared to say now that any of the 31

names are in his handwriting, which you say you found in this book?

Gov. BUTLER. He didn't say he found 31.

The WITNESS. I found those in that book, and I never looked to see whose handwriting they are in.

Q. Never looked to see whose handwriting they were in?

A. That was not a part of the investigation.

Q. You were not instructed to do that? A. Nothing said about anybody.

Q. Wait a moment; then, Mr. Fairbanks, if by your testimony or anything His Excellency has said to this committee, they have been led to understand that your testimony in regard to this book is to contradict Charles Marsh, you want that taken back, don't you? A. I don't know that I have said anything that needs to be taken back.

Q. Well, if anybody understands it to apply to him you want them now to be informed that you didn't so intend it; is that it? A. Well, I really haven't had any intention about it, in that respect. I scarcely thought of an individual; I looked at it as a matter of these books, without any reference to an individual.

Q. You can answer my question, Mr. Fairbanks.

Gov. BUTLER. I don't think it is a proper question.

Q. Did you intend that anything which you said in regard to this book should apply to Charles Marsh? A. Well, nothing—

Q. Answer my question, yes or no, if you will. A. I had no intention in regard to it with reference to any particular person. I knew that that book was—

Q. Then, certainly, you didn't with regard to Charles Marsh?

A. That book was written in part by somebody else, to my knowledge, or my belief.

Q. Then you didn't intend it to apply to Charles Marsh, did you? A. I have answered it in the only way I can answer; that I had no intention with regard to it.

Q. No intention one way or the other. You didn't know whose handwriting the entries were in. A. I didn't think of it.

Q. And, unless there are entries there in Charles Marsh's handwriting, that don't apply to him, your testimony don't apply to him? A. That is a matter of opinion.

Q. Isn't that so? A. That is a matter of opinion.

Gov. BUTLER. That is a matter of argument; now, let us come to something of fact.

Q. Now, let me have the book where you do find Charles Marsh's handwriting. [Book handed to Mr. Brown.] Now, under this new state of things we skip over all this first statement and come down here to Book No. 2. A. That is Book No. 2.

Q. Which is the one you have in your hand. [Book handed witness.] A. The one I have in my hand.

Q. Now, turn to the first of the 522 entries in the handwriting of Charles Marsh. A. The first one is on the first page.

Q. What is it? A. It is Richard Ashworth.

Q. Let me see it. [Examining entry.] There you find? A. I find figures in pencil, 14, which is one of the charges, as I have taken them.

Q. And the original entry of cash was \$1.80? A. Yes; 1.80.

Q. Now, without going through each, turn over a page or two. A. Robert Auns, the very next one, — three of them in succession, Robert Auns and Margaret Austin, three cases in which there are no erasures of amounts, and in which there are what I call charges to the left in pencil. That is the character of these cases.

Q. Now, turn over a few pages and find another case. A. Well, under B. Bridget Burke, and then there is pencil without any erasure of the amount.

Q. Was the red line made before the figures 2-1-6 or after? A. Well, I should not be willing to testify on that either way.

Q. Why not? A. I know what my belief is, but that is not testimony.

Q. Why wouldn't you be willing to testify? A. Because I think it is very difficult to say in regard to red ink, or black, which is written over the black ink when one is written and dried without blotting, and then putting a blotting-pad over them.

Q. In other words, you are not able to tell; to put it curtly? A. To put it shortly; that is the plain substance of it, without an examination with a microscope. I am not certain I could tell in most cases by a microscope; and, when one color is so strong as practically to obliterate the other, or cover it, I should not be willing to hazard any statement that would be

worth anything. My opinion might not be worth anything, or it might be, after a careful examination.

Q. Now, turn to some of these entries where there are erasures of amounts and no charges? A. Well, there are a good many of them here; I don't happen to run across them just now. Jane McGrath, 38,000 and something.

Q. Well, now, Mr. Fairbanks, on your oath, are you able to tell whether there have ever been any pencil-marks there which have been rubbed out? A. I can only say I can see no evidence of their being rubbed out.

Q. You know perfectly well that a pencil-mark can be made on paper very readily, and very readily erased, so it can't be seen, don't you? A. I think it can sometimes be done: but in this book I can point out fifty that have been done where I can see it, and I can see nothing here.

Q. Oh, yes; you may do it very carelessly. A. Very carefully.

Q. And not rub it all out: but you understand perfectly well, and you have done it repeatedly, haven't you, -- you have perfectly erased a pencil-mark? A. No; I don't know.

Q. So that no trace of it could be seen? A. I doubt it; I doubt if a good hard pencil-mark can be rubbed out with a rubber, so as not to show the mark; I don't think it can be done.

Q. If the pencil is so hard that the mark makes an indentation in the paper, you could not remove the indentation: but you could remove the pencil-mark? A. I don't think you can, if it is pressed into the paper at all.

Q. Let me see: are you an expert on this subject, also? A. I have done it all my life time, and I ought to know something about it.

Q. That is, you have been erasing entries all your life? A. Yes; pencil-marks, rubbing out pencil-marks, a good many times, every year. A pencil-mark is pretty hard to rub out, so as not to damage the paper.

Q. Take the next of the cases.

Gov. BUTLER. What set of cases is that? You have had it where there were entries, and you have had it where there weren't any charges, -- those are the only two you have got.

Mr. BROWN. Entries where there are erasures of amounts, and no charges.

The WITNESS. There are a good many of those; I don't

readily run across them now, but I will find them. I presume they are some of these disputed cases.

Gov. BUTLER. Margaret Willis, I think.

The WITNESS. I will find some before I come to that, I think.

Gov. BUTLER. Where there are erasures and no charges.

The WITNESS. Well, Ellen Burns.

Q. Let me see that one. [Book handed to Mr. Brown.] Have you a glass with you? A. I have not; I ought to have; I don't feel very positive about that.

Q. Don't feel positive about that one, although that is entered here? A. No, sir; I didn't say that.

Q. And, if it is wrong, it is a mistake? A. I don't know whether I put that in or not.

Q. Go on to the next. A. Timothy Florence, *alias* Cronin, is a case of that kind.

Q. Where is it? [Entry pointed out.] Now, Mr. Fairbanks, turn to some of the cases that you find in that volume where there are both erasures and charges. A. If I can go down to the lower room I can find on the table a memorandum of the names, and I can do it quicker than I can find it here.

Q. I shan't ask you for but a few more, and then I will leave it. Now turn, please, to where there are both charges and erasures. A. I say I can give you 11 of those, I suppose, from the memorandum lying on the table; it is there now, with all the names.

Q. I don't ask you for the whole 11; just give me some of them. A. It will take me longer to find them here than it will to go down there after them. Mr. William Huntton.

Q. Let me see that. [Book handed Mr. Brown.] A. Amount, 4.56; some erasure, no charges.

Q. Do you mean to say that there has not been an erasure of pencil-mark there? A. I think not; I can see no evidence of any erasure, holding it up to the light in this way [experimenting]; not the slightest. I don't believe there has.

Q. Have you ever examined it with a glass? A. No, sir.

Q. Have not. You can't see everything with those glasses of yours [referring to pair the witness wore], can you? A. I can't when they act as they do now; yes, I can see very clearly with those.

Q. And you can't see anything there? A. I can't see the sign of an erasure by rubbing, or anything else.

Q. Now, let us turn over to a case in which additional

amounts received after the first entry were entered in figures at the left, right, above or below. A. Well, here is one right before my eyes.

Q. Book No. 2, is it? A. Bridget Harney; two amounts in one amount to the left, footed up and carried to the left; original amount \$9. To the left plus \$4; sign of equality \$13.

Q. Where is that? [Entry pointed out.] What do you say that is? A. \$9, \$4, \$13; $9 + 4 = 13$.

Q. Does that mean plus, when it is on the left-hand side?

A. It is on the left hand-side of one and on the right-hand side of the other.

Q. Yes; but if you read it the other way it is 13 equals 4, plus 9. A. It does; don't it?

Q. Very true; but which, now, do you say was made first?

A. I don't know which was made first.

Q. Then, why do you say in this piece of paper, "Cases in which additional amounts received after the first entry are entered in figures at the left," if you don't know which was entered first? A. Because that covers all the cases; sometimes at the left, sometimes at the right; sometimes above and sometimes below. That statement covers them all.

Q. This was a case where it was entered at the left, was it?

A. Yes, sir; certainly.

Gov. BUTLER. I never knew plus was like a cipher, making a difference on which side it was put.

Mr. BROWN. That shows you are ignorant of some things yet.

Q. Now, turn to another case. A. I can give you all the cases now.

Q. I don't care for all; I just want a few samples. Turn to another case. A. Well, perhaps you had better take them in order.

Q. No; I don't want to take them in order. Skip a half-dozen, and then take one. I don't want to follow your little arrangement. A. I merely happened to write these names out for my own convenience. [Referring to memorandum which had been handed him.] I didn't suppose it was necessary for me to bring them in here; I didn't suppose they were required. Charges and erasures, Dennis O'Callahan.

Q. Now tell me where you find the plus there, to the right or left? A. I said charges and erasures. This comes under the head of charges and erasures.

Q. I don't ask you for that; I ask you for cases in which additional amounts received after the first entry are entered in figures at the left, right, above or below. A. Excuse me; I thought you were referring to this paper which I sent for.

Q. I beg your pardon; you are entirely mistaken. A. That was sent for; and I thought, probably, you were going on with it now. There is one with the word "and" between, — 34.55 and \$20. The name is Margaret Power.

Gov. BUTLER. When shall I be permitted to go on with my case?

Q. 34.55 and 20, — there is no sign of equality there anywhere? A. He has not put that in many cases.

Q. Sign of addition, I should say.

The CHAIRMAN. Can't you shorten this a little?

Mr. BROWN. I am trying to. I have left out 600 of these entries this man swears to.

The CHAIRMAN. Take one or two of the leading ones, and let the rest go.

Mr. BROWN. If I could only tell which led, Mr. Chairman.

The CHAIRMAN. Those you deem the most important.

Gov. BUTLER. He don't deem any of any importance; that is the difficulty.

Mr. BROWN. I didn't hear what you said.

Gov. BUTLER. I said he didn't deem any of them of any importance.

Mr. BROWN. You don't?

Gov. BUTLER. You don't.

Mr. BROWN. Because, if you mean you don't, I am going to abandon this business.

Gov. BUTLER. We will argue it to-morrow. There are two cases, — Silvina Sloan, \$19 equals \$17 plus \$2. I don't know whether it was made that way or not. I presume it was made the other way, — presume it was made backwards. I don't know how it was made. It might be an addition to the original amount. He might make it plus to the left.

Q. Now, to be brief, won't you tell me how many of all the different natures, of your different classifications, you find in Book No. 2.

Gov. BUTLER. Book No. 2?

Mr. BROWN. Book No. 2; how many changes of all kinds indicated in that sheet you find in Book No. 2. Take all the kinds indicated there. A. 569.

Q. 569, in Book No. 2; those are all, you say, in Charles Marsh's handwriting? A. I didn't say that.

Q. What do you say about it, now; because he is the man you were called to contradict? A. I suppose that this entire book, or nearly all of it, is in his handwriting; I don't know that it is.

Q. And that is all you can say, is it; simply you suppose? A. Yes.

Q. You won't swear to a single entry, will you? A. Yes, sir.

Q. Well, point to one you will swear to. A. Well, I think a majority of them are in his handwriting.

Q. I want you to point to one you will swear to; that is what I ask you; I don't ask you anything about majority. A. I am not prepared to swear to any of them.

Q. Very well. Then, if those that you have pointed out in Book No. 1, and those which you point out in Book No. 2, should not any of them turn out to be in Charles Marsh's handwriting, you have made 621 mistakes, haven't you, out of 621? A. No, sir; in that case I have made no mistake.

Q. No mistake then? A. How the question of the difference of names can make me make a mistake, I don't see.

Q. Well, upon the theory that you are called here to contradict Charles Marsh, you would have made 621 mistakes, wouldn't you? A. I can't comprehend —

Q. Can't you answer the question?

Gov. BUTLER. No; because he says he can't comprehend it.

Mr. BROWN. Can't comprehend it; then, certainly, he is excused.

The WITNESS. I can't comprehend how I should make a mistake, if it should turn out two or three persons wrote that book.

Q. Not even if you were called to contradict Charles Marsh? A. That isn't my business.

Q. I don't ask you whether it was your business or not; your business is to answer my questions, if you can. A. That is asking me to decide, on the stand as a witness, a question of law.

Q. What question of law? A. Whether this is evidence to contradict Marsh. I don't think I, as a witness, ought to answer that, Mr. Chairman, whatever my opinion is about it.

Q. You announced you are a member of the legal profession.

A. Yes; but I am not here to give a legal opinion.

The CHAIRMAN. Your attack is upon the book, and not upon the man.

Gov. BUTLER. Showing how the books are kept, and not who kept them.

Q. If Charles Marsh didn't make these entries you have made no attack upon Charles Marsh? A. I don't think I have made any attack upon Charles Marsh.

Gov. BUTLER. But, as he swears he did keep that book, then, if there is anything wrong, it is an attack on Charles Marsh. That is all there is to that.

The CHAIRMAN. [To the witness.] Make your explanation.

The WITNESS. I think I am accused, in testifying in regard to the erasures in these books, I think I am charged here with making 36 mistakes out of 54. I am not aware that I have made one and I don't know of one, and I haven't heard any testimony which accuses me of making mistakes, except the general allegation of Mr. Marsh that I had made a large number of erroneous conclusions. Now, I should like to have that matter set right. I didn't make any conclusions that I know of in regard to it. I testified to what was just before my eyes and at present I am not aware of a single error that I have made, and I call upon Mr. Charles Marsh to show me what mistakes I have made, and if I made any, I will acknowledge it upon the spot.

The CHAIRMAN. It is all on the record.

The WITNESS. I should like to have him put upon the stand and testify.

Gov. BUTLER. You will pardon me, but life is short.

The CHAIRMAN. You and he had better settle that out of court. Call the next witness, Governor.

TESTIMONY OF LYDIA M. WARNER (*sworn*).

Direct examination by Gov. Butler.

Q. Mrs. Warner, how long have you been engaged in taking care of children?

Mr. CHESTER. What is the name of the witness?

Q. What is your full name Mrs. Warner? A. Lydia M. Warner.

Q. How long have you been engaged, more or less, in tak-

ing care of foundling children, or in and about their care? A. About eighteen years.

Q. In Boston most of the time? A. Yes, sir.

Q. To what institution do you belong? A. I don't belong to any.

Q. Never had the care of any institution at all? A. No, sir.

Q. Now, did Mr. Sargent call on you, along early in this hearing?

MR. BROWN. I pray the judgment of the committee. What is this?

GOV. BUTLER. Well, this is the same question that was put to Mr. Burns.

Q. Did he call on you and find out what you knew, and say "I guess we don't want you?" A. Mr. Sargent or somebody called on me.

MR. BROWN. I pray the judgment of the committee.

THE CHAIRMAN. Do you object to the question, whether Mr. Sargent called on her?

MR. BROWN. It is the first time I ever heard of this woman. I never saw the woman.

THE WITNESS. I want to know how I got here.

THE CHAIRMAN. It won't do any harm.

MR. BROWN. If the committee want to spend the time.

THE CHAIRMAN. It is the governor's time. It must have been a pleasant call to make, I presume.

Q. Now, Mrs. Warner, how many of those foundling children have you under your charge? A. Quite a number.

MR. BROWN. I pray the judgment of the committee, whether we are to go into this foundling business again?

THE CHAIRMAN. Let us hear what the proposition is.

GOV. BUTLER. I will state the proposition very frankly and fully. I have nothing to conceal here. This lady has had charge of foundling children. One of them is taken back from Tewksbury and is alive; a monument of sparing grace. And I want to show that by taking decent and proper care of those foundling children that are marked as likely to die, that she raises a very large percentage of them. That is all. They have sworn here that foundling children could not be raised. Impossible! Seventy died out of seventy-one; and so on at that rate for years.

THE CHAIRMAN. Seventy of those that went to Tewksbury?

Gov. BUTLER. Yes, sir; that is what they have been swearing. And the claim has been all the time that it was the case with other foundling children, that they were so sickly, so diseased, so very weak as foundlings, that they could not be raised. I want to show by this lady that she has had the same class of foundlings, picked up in the streets, and that she has raised — she will tell you how large a per cent. And I want to show that it is not impossible to raise foundling children. It is possible to kill them; but, with decent care, it is just as possible to raise them.

The CHAIRMAN. And you do this to meet the testimony of the ladies from Chardon Street Home?

Gov. BUTLER. Oh, yes; the testimony of the ladies from Chardon Street Home.

The WITNESS. Dr. Dixwell?

The CHAIRMAN. And Dr. Putney?

Gov. BUTLER. The testimony of Dr. Lathrop and the entire crowd has been: you cannot raise them on cows' milk, except it is skimmed. [Applause.]

The CHAIRMAN. We have no time to waste now.

Gov. BUTLER. That you cannot raise them any way; they will all die.

The CHAIRMAN. If you limit it to the same class of children, I don't see why it is not competent.

Gov. BUTLER. The same class — picked up in the street.

The CHAIRMAN. Picked up and assorted?

Gov. BUTLER. Oh, no; if they had been assorted, she would have had a better chance. She took them as they came.

The CHAIRMAN. These are the ones that went to Tewksbury?

Gov. BUTLER. Yes, sir; assorted in this way: that she got just as poor as she could, just as the others did.

The CHAIRMAN. Assorted, so that those which it was thought would live were placed out in families, and those not healthy had to go to Tewksbury?

Gov. BUTLER. No, sir. There is a great mistake if you place in that way. The placing out in families never took place until three years ago.

The CHAIRMAN. On the part of the State.

Gov. BUTLER. The State did not undertake to place them out, nor did the Chardon Street Home, until three years ago.

The CHAIRMAN. Longer ago than that, I think — five years ago.

Gov. BUTLER. Well, five if you please, I am not troubling about that. This, you know, goes back twelve or fifteen years — the slaughter of the infants. Herod didn't do it only once. Now, I want to show that she, in her benevolence, has been picking up and taking care of these children, putting them out whenever she could find anybody to take them, and bringing them up just as they came.

Mr. BROWN. His Excellency's power to make misstatements is only limited by his ability to forget. No such testimony has ever been offered. On the other hand, twice, the committee has ruled against me on this very proposition. I undertook to show that the institution in Montreal, known as the Gray Nuns, — of which I had official reports — had a certain experience. I didn't offer the official reports, but I interrogated one or two witnesses, and the committee excluded the evidence. The committee said that for the purpose of showing the great difficulty of rearing foundling children at Tewksbury I should not go into the experience of any other institution; and the committee ruled against me twice on that. I undertook to show that at the St. Mary's Home, here in the Highlands, a Catholic institution, in charge of the Sisters of Charity, — and I mentioned that in an official report of the board of health of the city of Boston in 1876 a record had been made, and I referred to it and the committee —

The WITNESS. In 1875.

Mr. BROWN. Thank you. I undertook to refer to that and His Excellency objected, and the committee ruled against me. So that three times I have undertaken to justify Tewksbury by the experience of other institutions, and show the mortality which took place there. This committee has ruled against me.

Gov. BUTLER. Certainly.

Mr. BROWN. Now he comes here to condemn Tewksbury by the experience, not of an institution, but of a private person.

Gov. BUTLER. Certainly.

Mr. BROWN. Now, is not that the same proposition?

Gov. BUTLER. Oh, no; oh, no.

Mr. BROWN. And he has not even the vantage-ground that I had in undertaking to meet his direct charge. Now, he is limited entirely to the record. And His Excellency has not got within a row of apple-trees of what was actually offered in evidence in regard to Tewksbury. We undertook to show just what we had to deal with. For that purpose we summoned the officers

of the Chardon Street Home ; they having been in conference with His Excellency, and His Excellency having found out there was nothing there he wanted —

Gov. BUTLER. There is not a word of truth there, not a word. I never saw an officer of the Chardon Street Home except in this room.

Mr. BROWN. Well, I will submit the record and see if the matron didn't say that she had a conversation with His Excellency. Then we undertook to show by the books, and His Excellency objected even to the Chardon Street record being brought in here to justify affairs at Tewksbury, and we had a long struggle about that. Finally the committee voted that these very children that went to Tewksbury, having at one time been inmates at Chardon Street, that the nurses or matrons who attended these children knew their condition before they went to Tewksbury, and that the books of record at Chardon Street which showed entries relating to them, should be admitted in evidence. And then it appears that the children who went to Tewksbury for a series of years, in the language of the matron who had been there for ten years — I don't now recall her name — the language she used was this: that no child was sent to Tewksbury that it was thought it would live. That is the substance, perhaps not the words. The committee remember it perfectly well. Now, nothing that this woman can say has any bearing upon Tewksbury. The fact that she had other children, taken just as they came in, just as they were picked up, has nothing to do with Tewksbury. That is the very ground on which you excluded my other testimony in regard to the institution known as the Gray Nuns and the St. Mary's institution at the Highlands — the very ground, because you said it didn't —

Gov. BUTLER. Don't take all day for an argument, because it is getting late.

Mr. BROWN. Well, if you won't interrupt me, I will stop very soon ; if you keep on I shall have to keep on.

Mr. MELLIN. There is only fifteen minutes more. Mr. Brown is repeating what he started out on, and I protest he has shown a disposition to consume time.

Mr. BROWN. I deny that I have shown any disposition to consume time. I have not consumed half the time on cross-examination that His Excellency has consumed in direct examination. Now I simply say this : —

Gov. BUTLER. That is not true.

Mr. BROWN. If he came in here and tried to show that this woman had had experience with some particular child while it was at Tewksbury, and that what we said we did for that child to save it was not true, that we didn't do it, that would be in rebuttal, but he don't pretend to do that.

Gov. BUTLER. Oh, yes, after I get through with this first question. I have got just one child they came very near killing, and she rescued it.

Mr. BROWN. Then I submit we should go directly to that, and not spend time, for this certainly is not competent.

Gov. BUTLER. Now, the difference is this: I have said you cannot tell what is done at these homes outside, for they may be just as badly managed as Tewksbury. And I have not undertaken to put in the records, all over the world, of foundlings, for the reason that they may be well managed or ill managed, or they may be in unhealthy locations. I have taken a person who has done this business, because then you can ascertain exactly what she did. You have got nurse, superintendent, physician and all hands. That makes the difference. It is a thing you can examine into; therefore I have brought her here. That makes it different from all these institutions. We have gone into the institutions enough, each one of them, to ascertain whether we can make comparisons. Now we have got a means of making, by cross-examination, just the comparison. I know that the matron from the Chardon Street Home undertook to swear here that none went there but what were to die; but you will remember that on coming to the record we showed that there were not but five of them unhealthy out of seventy.

[A vote was taken and the testimony was rejected, two to three.]

Gov. BUTLER. Rejected, is it? Now we will go to something that Mr. Brown says will be competent.

Mr. BROWN. I beg pardon. I didn't say anything of that kind. I said that would raise a new question.

The CHAIRMAN. There is not much time now for fun.

Q. Now, madam, did you know of a foundling being taken to Tewksbury that stayed there a few days and got his eyes put out by syphilis.—that went from you healthy and then you got it back again and got his eyes back? One of these people, 52,261, went to Tewksbury June 14, 1877, and was there three days — A. Fourteen.

Q. Did that child go from your house? A. No, sir.

Q. Did you see it before it went? A. No, sir; two days before it went. I had the care of it from the time it was born until it was two years old.

Q. Was it a fine healthy child? A. Yes, sir.

Q. It went to Tewksbury. How did it happen to go there?

A. I don't know. I have been for a good many years trying to find out about it.

Q. How long was it there? A. Fourteen days, according to the record.

Q. Did you get it away? A. I went for it, and the same day I went for it the mother found that the child had gone to Tewksbury, and she went there before me and got the child.

Q. Did you take care of it? A. I saw it and put it under the treatment of Dr. Cliff.

Q. And there is his bill for professional services? [Producing a bill.] A. Yes, sir.

Mr. BROWN. I object to it.

Q. Now, then, I won't stop to put that in. Was the child all right when it went in? A. Yes, sir.

Q. How was it when it came out?

Mr. BROWN. I pray the judgment of the committee, unless he can show it was the fault of the institution; and the lady says she don't know.

Gov. BUTLER. I have not heard anything about it.

Mr. BROWN. Well, the lady volunteered the statement.

Gov. BUTLER. I have not put any question and she has not answered to me. I don't know what she has volunteered to you.

Mr. BROWN. I say that, until it is shown, unless he claims it was the fault of the institution, it cannot be made evidence.

Gov. BUTLER. I say it went in there a healthy child, and fourteen days afterward it was taken out with its eyes all syphilitic; and that under good treatment it was brought up, and is living even until this day.

Mr. BROWN. Well, it might have been hereditary syphilis.

Gov. BUTLER. Very likely. Probably it would have come out sometime.

Q. Now I want to ask you what was the condition of the child when it came out?

Mr. BROWN. I pray the judgment of the committee.

The CHAIRMAN. Why shouldn't this have gone in as part of

your case in chief to show mismanagement or abuse? what does this mean?

Gov. BUTTER. For the reason, in the first place, that I didn't know about it; and in the second place, I should not have put it in there. They come here and say they took good care of the children and I come in to show they didn't.

The CHAIRMAN. They don't deny they died.

Gov. BUTLER. I understand. I am doing a little something for them. There was one that lived after it had been there fourteen days. Now I have got them in this form: The child went there healthy, and came away with its eyes disordered, and yet, after all its disadvantages it lived; that is all.

Mr. BROWN. He does not pretend that this was owing to the negligence of the institution.

Gov. BUTLER. But I do.

Mr. BROWN. When I suggest it might have been the result of hereditary syphilis, he does not deny that. We are not responsible for hereditary syphilis.

Gov. BUTLER. I don't care whether it was hereditary or otherwise. A child could be saved even with hereditary syphilis, if they choose to put it in that way. When it went it showed no signs of syphilis; it was perfectly healthy. After it was bathed in those damnable waters of Tewksbury, it returned in fourteen days with its eyes running out of its head; and yet, by kind nursing it was brought out.

The CHAIRMAN. It must have developed rapidly.

Mr. BROWN. He still disclaims that the institution was responsible for it.

Gov. BUTLER. The committee may do what they please with it; I don't care.

The CHAIRMAN. Shall it be admitted? Three. None opposed. Go ahead.

Q. Now, won't you go on; without giving it piecemeal, won't you go on and give the facts about this child? What was its name? A. Willie Marshall.

Q. And where did he come from? A. From Boston.

Q. Was he a foundling? A. No, sir; born in Boston; Leverett Street.

Q. And did it go there a healthy child? A. To where?

Q. To Tewksbury? A. It must have been a healthy child or they would not have taken it as a selected baby at the Massachusetts Infant Asylum where the State boards babies.

Q. It was taken to the Massachusetts Infant Asylum. Did you see it there? A. I had it at my house from July to October, until it was admitted to the Massachusetts Infant Asylum; and it stayed there until the next June, and then I boarded it myself at Newton. But how it got into Tewksbury — it went October 3d, 1877 —

Q. How it got into Tewksbury you don't know? A. No; I don't know.

Q. But you found out it was at Tewksbury? A. Yes, sir.

Q. While it was under your care it was a very pretty boy and looked to you all well? Then it went to Tewksbury? A. Yes, sir.

Q. And was there fourteen days; and you saw it when it came out? A. I saw it when it came out.

Mr. BROWN. Mr. Innis, will you get us the record of this case?

Q. Had it sore eyes? A. Very sore eyes. It could not open its eyes at all. I saw the child at the depot, at Tewksbury, in its mother's arms, when it came out, and it had very sore eyes; so much so that I felt the necessity of putting the child under the treatment of a physician. He treated it for a few days, and then it was sent to the hospital at Dedham.

Q. Did you seek after it? A. Yes, sir; I know him, and I know the mother now.

Q. Has he recovered? A. Yes. He will never have his eyebrows.

Q. Has he recovered his health? A. Yes, sir.

Q. Now, Mrs. Warner, without going into that any further, I want to ask you if you know Dr. Dixwell? A. Yes, sir.

Q. How long have you known him? A. Ever since the formation of the society for the prevention of cruelty to children.

Q. Have you worked with him in that way? A. The first of his coming to my house, he came to see a foundling at my house, that was found by an officer of station three.

Q. How long ago? A. Four years ago.

Q. That was quite a while after the formation of the society. And that was the first time he was at your house? A. Yes, sir.

Q. You know him well? A. Yes, sir.

Q. And know other people who knew him? A. Yes, sir.

Q. Did you ever hear him accused — did you ever hear any-

thing against his character for truth and veracity until you heard it here? A. No, sir.

MR. BROWN. What is that, Governor? I was interrupted.

GOV. BUTLER. If she ever heard anything against Dr. Dixwell's character for truth and veracity.

THE WITNESS. No, sir.

Q. Did you, working with him in this society, ever hear anything, or know anything, about any lunacy, or idiocy, or insanity on his part? A. No, sir. I knew the president, very well, of that society when it was first formed.

Q. We have heard a great deal about his being expelled from that society. Do you know anything about it? A. There was some talk about it; but knowing the society, and the members of the society, as well as I do, I think they abused him.

Q. Now, then, madam, did you ever keep a boarding-house down here near the medical college? A. Well, it was not very near.

Q. In that neighborhood? A. I kept a few medical students from that college once.

Q. How long ago? A. Oh, I think it was twenty or twenty-one years ago.

Q. Whether they were accustomed to bring home babies and others to dissect?

MR. BROWN. I object. That is exactly what Dixwell said he did with them.

THE WITNESS. They brought one or two.

MR. BROWN. Wait one moment. I submit this is not in rebuttal. The fact that a man is a medical student, and brings to his boarding-house a baby, is no evidence tending to show that it came from the institution where he is a student. And the evidence now is that there were no babies prior to 1876.

GOV. BUTLER. There has not been any such evidence. There was a liar who said something about it once.

MR. BROWN. There has another one contradicted it.

GOV. BUTLER. He didn't begin at that time; therefore he didn't bring any. I propose to prove that it was the habit. It has been urged against Dixwell that he said he took home babies to dissect. I want to show that it was the habit of the Harvard students to bring them home precisely as he says it was. And they brought them to this lady's house, somewhat to her annoyance, I guess; I don't know. They used to bring them home and put them into bureau drawers, and not only

bring babies, but parts of bodies. It would be an entire contradiction of all that has been told by the emptyings they run out of Harvard College and that has been brought here.

The CHAIRMAN. One witness testifies that the only baby he ever saw was brought in by two students from the street. What is there to show that these babies carried to her house were not picked up on the street? How does this support Dixwell?

Gov. BUTLER. It supports Dixwell by showing that it was a habit. The great contest is here whether Dixwell is not crazy when he swears it was the habit to dissect babies and that the students bought them and took them home to dissect. And they all came and testified that there never was one there, except one that was put in a bottle of alcohol in the museum—all these Harvard people. Now I want to show by the lady who boarded these students that it was not one picked up on the street, but that it was an habitual thing with them. They brought babies and grown people. They swore they never allowed anything to be taken.

The CHAIRMAN. Does she know that the babies came from the Harvard Medical School?

[The witness made a remark or answer which was subsequently ordered to be stricken out.]

The CHAIRMAN. How does that show that they came from the Harvard Medical School?

[The witness made a remark or answer which was subsequently ordered to be stricken out.]

Gov. BUTLER. He was there. He brought something into the house; and accompanying that act he made a declaration where he got it; and that has been ruled in here, half a dozen times. It would be clear to anybody's comprehension, I think, that it would be evidence tending to show that it came from Harvard Medical School, a Harvard medical student bringing it home. And not only one, but more; and not only babies, but the limbs of grown people.

Mr. BROWN. His Excellency, like Don Quixote, seems to be fighting a windmill when he pretends that the pretence in this case is that there was a large number of babies. Nothing of the kind. The issue has been here: Whether Dixwell told the truth about the Harvard Medical School and thereby connected it with Tewksbury. How many babies he had was entirely immaterial, except so far as the evidence in undertaking to con-

nect these babies with the Harvard medical college, and through it, with Tewksbury. I submit this evidence is not competent.

The CHAIRMAN. Members in favor of admitting it will raise their hands; two; those opposed, four; rejected.

Mr. BROWN. Now, I move that we strike out the answer of the witness, which was entirely voluntary.

Gov. BUTLER. No, sir; it was in answer to the chairman.

Mr. BROWN. I beg pardon. The chairman didn't ask her any question.

Gov. BUTLER. She understood it so.

Mr. BROWN. I move it be stricken out.

The WITNESS. Excuse me. I thought it was the chairman who asked me a question.

Mr. BROWN. I move it be stricken out from the record.

Mr. MELLEN. I would suggest that it be read.

The CHAIRMAN. I asked the governor a question, and the lady interpolated a remark as an answer, as I remember it.

Gov. BUTLER. Well, all the advantage of its being in the record is that it will show the ground upon which the ruling of the committee was founded; that when they made that ruling they had that evidence.

Mr. BROWN. That is no ground, I submit, at all.

Gov. BUTLER. It don't prove how far it was the ground for the ruling.

The CHAIRMAN. Let's see what the stenographer has

Q. (By Gov. BUTLER.) Is this the man [pointing to Mr. Moses Sargent] that you call Mr. Sargent? A. That is the man who called upon me.

[The stenographer read the remarks of the witness referred to by the chairman.]

Mr. BROWN. The question was put to the governor.

Gov. BUTLER. I have no doubt it was, Mr. Chairman, but the witness understood it was to her. I should have asked the same question in order to lay a foundation.

The CHAIRMAN. Because she understood it so, don't give her the right to answer.

Mr. MELLEN. I know; but she answered and was asked another question.

The CHAIRMAN. I didn't ask the witness any question. I was trying to find from the governor how it was competent. The motion is to strike it out.

[The answers were ordered to be stricken out by a vote of four to one.]

MR. BROWN. Now, Mr. Chairman, I ask for about five minutes with Mr. Charles Marsh to testify to two matters —

GOV. BUTLER. I beg pardon, sir.

MR. BROWN. First, that this boy Marshall was never in the institution at Tewksbury, and second, in regard to the three erasures where it is said acid has been used.

MR. MELLEN. Are we going to close at five o'clock?

THE WITNESS. May I say that I got this record from the books of the Tewksbury almshouse?

THE CHAIRMAN. There is nothing further, madam.

MR. BROWN. I say it was only a nominal admission.

THE CHAIRMAN. And the other point is in regard to the acid. Step aside, Mrs. Witness.

THE WITNESS. I don't allow anybody to say that what I say is untrue.

MR. BROWN. Mr. Marsh, take the stand.

GOV. BUTLER. No, sir; I beg your pardon. It is now past 5 o'clock, and by agreement — as this hearing was to close at 5 o'clock by peremptory orders of the House, the chairman was pleased to say.

THE CHAIRMAN. No.

GOV. BUTLER. I beg pardon, sir.

THE CHAIRMAN. The House never fixed any time.

GOV. BUTLER. I am not saying what the House did, but what you said. The chairman said the hearing was, by peremptory orders of the House, to close at 5 o'clock.

THE CHAIRMAN. No; I don't think the chairman ever said that. The peremptory order was to close on Friday.

GOV. BUTLER. At five o'clock, sir.

THE CHAIRMAN. The committee voted to close at five o'clock.

GOV. BUTLER. Now, then, I have been deprived by the cross-examination on these books, of one or two hours of my time, to-day; I have been deprived of putting in some seven or eight witnesses, — very short ones, but very pertinent ones, — I have here —

MR. BROWN. I didn't deprive you of the time you were off junketing.

GOV. BUTLER. And, I think, under the circumstances, that you should hold to the rule, unless you will give me time enough to put in the rest of my witnesses, and then I don't care what

Charles Marsh swears to, not a copper, not one. But I don't think it is right or just to have Mr. Brown, as he has done all day to-day, and all day yesterday, prolong the examination, taking up all the time, substantially, about nothing at all, — you know it as well as I do, — and then, after having cheated me out of my witnesses, ask the indulgence of the chair to put his witnesses on again. For all Mr. Marsh can know about this child must be upon the books.

The CHAIRMAN. I think the only point, Governor, is upon the acid; I don't think the committee would go into any of the Tewksbury children.

Gov. BUTLER. Pardon me; then I want time to answer that. If they are going to bring anybody here that is going to tell about acids, I want time to answer that part. Now, we were to close at five o'clock. There has been a great waste of time, and I have some very important testimony —

Mr. MELLEN. Governor, if you will pardon me, I believe —

Mr. CHAMBERLAIN. If the gentleman will give way, I should like to make a motion to adjourn.

Gov. BUTLER. I am content.

Mr. BROWN. Mr. Chairman, I simply desire to show that, when that book came into this state house, there wasn't any stain on it such as Professor Babcock has testified to, and that that boy Marshall was never in the institution.

Mr. CHAMBERLAIN. I renew my motion to adjourn.

The CHAIRMAN. Before the motion is put, I wish to say that to-morrow is going to be devoted to the arguments of this case; and it is understood that the members of the legislature, House and Senate, desire to be present; and if so, they would occupy the most of this room. So parties coming here to-morrow will run the risk of not being able to get in, as the doorkeepers will be instructed not to let in the public till the members of the legislature are seated; and then any surplus room, of course, may be utilized.

Mr. BROWN. I understood that they had passed an order for the use of the House.

The CHAIRMAN. No; they refused it. The hearing is adjourned to half-past nine to-morrow.

NOTE. — The next two hearings should have been numbered sixty-fourth and sixty-fifth instead of sixty-fifth and sixty-sixth.

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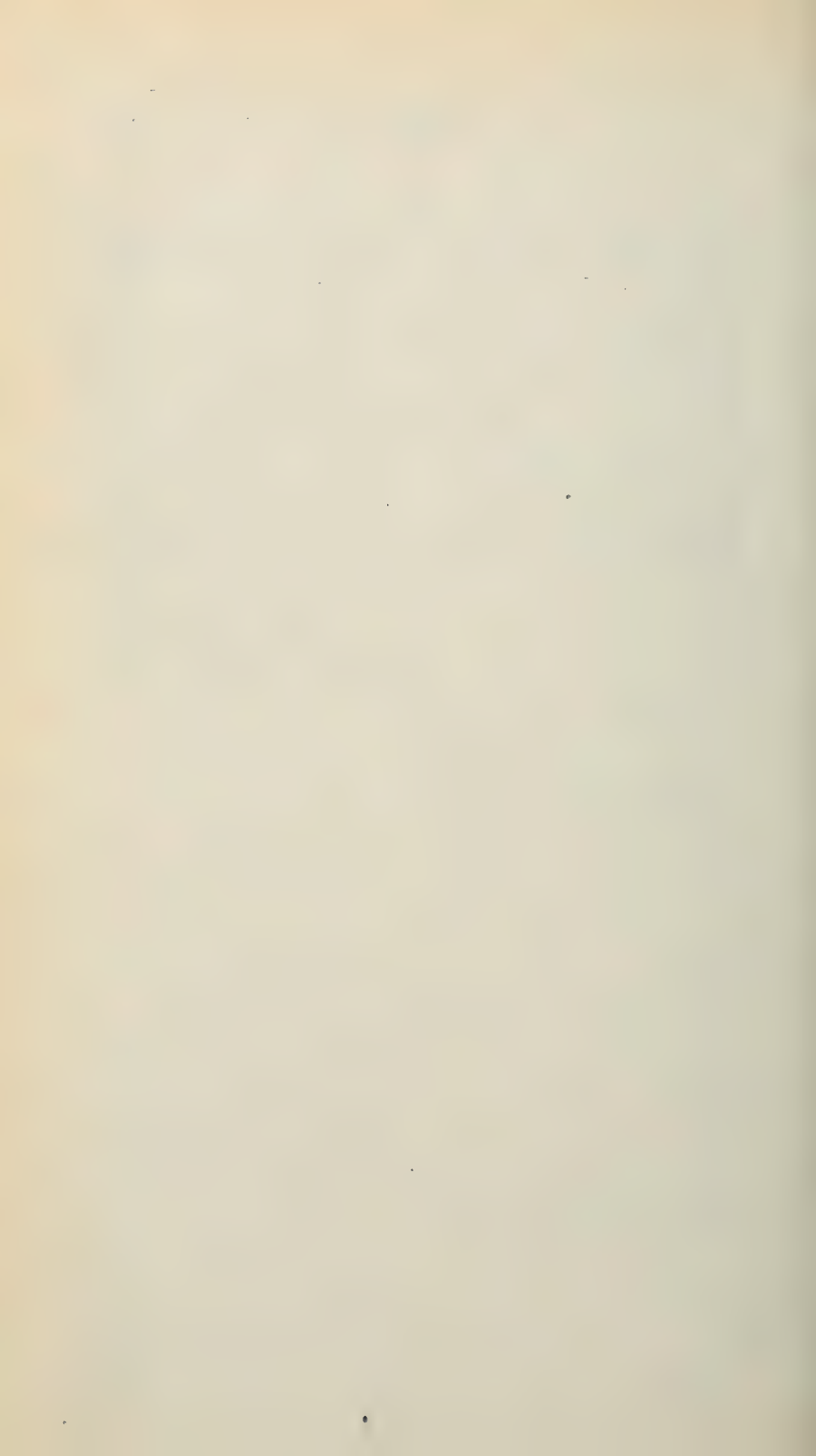
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ARGUMENTS.

SIXTY-FIFTH HEARING.

FRIDAY, July 13.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. By vote of the committee, three hours have been assigned to arguments of counsel on either side. We will call it now ten minutes of 10. All present will see the propriety of abstaining from any demonstrations of approbation or disapprobation. Mr. Brown, you may proceed.

ARGUMENT OF EDWARD P. BROWN, Esq., FOR THE DEFENCE.

Mr. Chairman and Gentlemen: After the lapse of four months, during which time you have devoted a vast amount of labor to the investigation of one of our public charitable institutions, we come this morning to the close. I should be false to my own feelings, and do an act of injustice to the committee, if I should fail now to thank them for the patient attention, and the careful consideration, which they have given to this investigation. I must thank you, and each of you personally, for the great courtesy with which you have treated me and the very great attention which you have always given to such matters as it has been my duty to present to you.

The first public act in this investigation which bears directly upon the source from which it grew, was the address of His Excellency, found in Senate Document No. 1, in which His Excellency made certain charges against this institution, charges of general mismanagement, charges that the officers of this in-

stitution had sold at public sale certain bodies of the dead of the Commonwealth. That there may be no misunderstanding in regard to this, I desire to call the attention of the committee to the language used by His Excellency, as printed upon page 65 of that document:—

“ Have there not been scandals, public and well known, for years in that institution? Was it not charged, and never denied, that, for years, of the infants born in or sent to that institution, more than ninety per cent. died as such? All of these did not fill an infant pauper's grave, even; for it can be shown that from one hundred and fifty to two hundred and fifty infant corpses were annually sold as merchandise to a single medical institution in the State, for from three to five dollars each. Many, if not all, came from thence, besides large numbers of bodies of pauper adults, furnished for other medical purposes, and sold as merchandise for very considerable sums; and that done secretly, and not under and in accordance with the provisions of the law, which, under certain safeguards, permit almshouses to furnish the unclaimed bodies of deceased paupers for dissecting purposes to surgeons and medical schools, according to the decent and humane provision of the statute. Was this not in testimony before a grand jury? Has it not been publicly known? What record has the State of these dead infant children, to whom it took the place of parent? What account, even, has ever been returned of the price of this merchandise of the Ghouls? What record of birth or death or burial-place, by which such bodies could be identified or classified? ”

Such, Mr. Chairman and gentlemen, were the charge upon this branch of the subject. His Excellency put into that address other charges in regard to the management of this institution. It was done at the opening of the session of the legislature of this year. This address, delivered by His Excellency in accordance with a time-honored custom, was published at the State's expense, and several thousand copies circulated; it was telegraphed by the Associated Press to all parts of the country, and printed in the public journals of the day. It found its way into the leading journals of the great metropolises of England and the continent. Not satisfied with that, gentlemen, His Excellency took occasion, as we are informed, to publish several thousand additional copies, which were sent to friends with this polite endorsement, “ With the Compliments of the Author, Published at his own expense.” So that we have before us the governor of the Commonwealth accusing the people of the Commonwealth and the officers of this institu-

tion with mismanagement, desecrating the dead, and embezzling the money which was received from the disposition of the bodies of the dead. It is in vain, gentlemen, that His Excellency will say in any official document that he is not the accuser. He is the *author* of the accusation. It is in vain, gentlemen, that he tells you he is not the prosecutor in this case. From the beginning to the end of this investigation, he has given to it all that great talent, that great ingenuity, that remarkable perseverance, the full strength and vigor of that remarkable constitution which, for forty years, have given him a reputation as an advocate — not local, but national. Mr. Chairman and gentlemen, that distinguished criminal lawyer, Mr. Gale, could not be trusted in this emergency. He was present here but a day, and His Excellency announced that no counsel could be put into this case. So important was the issue to him, so stupendous were the consequences which, in his judgment, were likely to follow a failure in this case, that it could not be entrusted to any other human being in the Commonwealth with a professional education.

The people of this Commonwealth looked on in wonder and amazement. The party press, the press of that party that had been chiefly responsible for the administration of the government, started back surprised, astonished, bewildered; all demanded — men, women, and children throughout this Commonwealth demanded — of their representatives, that if that condition of things existed, this legislature, — you, the men elected upon the same ballot with His Excellency, should investigate this case and should *stay* here until its conclusion. An indignant people — and if the charges were true, the people had a right to be indignant — demanded that the accuser should *prove* the accusation or *retire*; and the legislature of Massachusetts, according to the forms of law, selected you eleven gentlemen, members of the Senate and of the House, as the committee on public charitable institutions, and charged you, on the 7th of February last, with the duty of investigating the present management — I desire to call the attention of the committee to the language of the order — the present management of the public institutions of the State, including the state almshouse at Tewksbury. What passed between the 7th of February and the 30th of March I leave to the consideration of the committee. I leave the committee to vindicate themselves against any charge of unreasonable delay which took place between the

7th of February and the 30th of March. On the 30th of March the committee met for its first hearing. I appeared as counsel for the trustees and the superintendent.

The CHAIRMAN. The 29th of March, Mr. Brown.

Mr. BROWN. The 29th of March. At that time, Mr. Chairman and gentlemen — and it is important that I now call your attention to it — I asked in behalf of my clients that the charges against this institution should be reduced to writing. His Excellency objected. There was a considerable discussion, which will be found in the first ten pages of the record, but it was finally concluded, and consented to by His Excellency and all parties concerned, that the accusations were in writing, and that they were contained in Senate Document No. 1, the address of His Excellency; and thereupon, that agreement, in substance, having been entered upon the record, we proceeded with the investigation.

Now, gentlemen, I desire to call your attention to this institution which we were called upon to investigate at that time. It was established under the law of this Commonwealth in 1852. The buildings known as the main building were built then. Subsequently, on the 22d day of June, 1858, Thomas J. Marsh, Sr., the superintendent, was appointed. He went to the institution, and remained there twenty-five years lacking a single day. During that time Mr. Marsh had the entire administration not only of the funds appropriated by the legislature for the running of the institution, but he had the entire management of its inmates, the control and supervision of the construction of all the buildings that have been erected since that time and of the repairs which have been made, of course, always subject to the direction and control of the inspectors or trustees, whichever existed at any given time under the provisions of the statute.

During the first fourteen weeks of his experience there were admitted to that institution 779 persons. In each year from that to the first of October, 1882, there were admitted a large number of persons, the largest number being, I think, 3,197, in the year 1877. But in no year was there a less number admitted than in the first fourteen weeks; to wit, 779. The total admissions from the 22d of June, 1858, to the first day of October, 1882, were 57,057; and by a hasty examination of the register from the 1st of October, 1882, down to the time when Mr. Marsh left, there were others admitted, in the neighborhood

of 2,000. So that for the purposes of this argument I shall say that during the period of his administration there were admitted to this institution about 60,000 persons.

Of that 60,000 persons, about 25,000 were born in Ireland; 12,774 were born in Massachusetts of foreign parents; 9,734 were born in England, Wales and Scotland, and from all other places, including those from Massachusetts, not born of foreign parents, the States of the Union and all other countries of the world, there were 13,214. So that, Mr. Chairman and gentlemen, this institution has received, during twenty-five years, from Ireland, from Scotland, from England and from Wales, more than fifty-seven per cent. of all the paupers that ever came within its walls.

There have been, during those twenty-five years, 5,928 deaths and 1,606 births. The average cost of running the institution was the least in the first fourteen weeks of Mr. Marsh's administration, when it was on an average eighty-seven cents per week per inmate. The highest cost of running the institution in any year was in 1882, when the average cost per week per inmate was \$2.09, a little more than \$1 less than was expended in the National Home for Disabled Soldiers at Dayton, Ohio, over which His Excellency for a series of years had the management and control. Of this vast aggregation of human beings in all the conditions and vicissitudes of life as seen in its lower walks, Thomas J. Marsh, Sr., had the management and control. He expended during that period upwards of two millions of dollars in buying clothing and food, in the disbursement of money for the construction of new buildings, and in the making of repairs; and all this, gentlemen, upon a salary of \$1,200 per annum at the outset, and subsequently it was increased, I think, to \$1,500, and afterwards \$1,800 per annum.

This institution, whose present management you were invited to investigate, was the subject of official investigation by the board of health, lunacy and charity immediately after the charges of His Excellency had been made public, and that board delegated one of its most intelligent, one of the most careful, one of the most conscientious women known in the Commonwealth, to perform that difficult and delicate duty. I shall be pardoned, Mr. Chairman and gentlemen, if I refer to an official communication made to that board by Mrs. Leonard, showing what was the result of her investigation.

Gov. BUTLER. Is that from the report published in the papers?

Mr. BROWN. No, sir; I have a copy taken from the report itself.

Gov. BUTLER. I don't object to it in that way.

Mr. BROWN. I intend to read but a very small part of it. This lady proceeds:—

"I think I examined more than a hundred beds, including those in remote attic dormitories, where boys and men sleep, and the beds of the insane. On the night of my arrival, I took the keys of a matron, and visited a portion of the insane (fifty-two in all) without her, after they had retired. I found them in excellent condition, but with no change since the two preceding visits, when I carefully examined the insane. I found all beds everywhere in the institution satisfactory. I was assured by inmates of several years' standing, that the beds had always been changed—clean sheets, etc., whenever a new occupant was received; and all beds were changed once a week regularly, and oftener when necessary. To this point I gave much attention, and made inquiry of various inmates, with the same answer. The bath-tubs were in sufficient number and good order, just as I had previously found them, with water abundant, except that some tubs needed painting inside. Many patients were being bathed while I was there. This process I always find going on in large institutions much of the time, as different persons bathe on different days, to accommodate all. There is no common pool nor tank for bathing in the institution, and has not been for several years. Formerly they were common in large institutions, but have been given up in Massachusetts some years ago.

"There is no vermin in the institution, except sometimes stray bugs, liable to be brought in by inmates, as are also lice of the head and body both. There are cockroaches near the water-pipes, as I have often seen in hotels and private houses. To keep out vermin is one of the most difficult tasks in an almshouse, and is accomplished as well at Tewksbury as could be expected. All my information in regard to vermin I received from inmates. There are some rats seen now and then, as might be expected in a large group of buildings on a farm where they can come in from the fields in search of food; but, from inquiries of inmates, I thought no more than I have seen in almshouses proportionally. I found the old women's and old men's wards very cheerful and comfortable, the occupants generally cheerful and contented, so far as human nature is contented in even luxurious surroundings. There are always some children in the almshouse,—a few with their mothers; others sent in from towns in the eastern part of the State, waiting transportation to Monson; also a number of children (perhaps twenty) afflicted with loathsome disease, or hopelessly idiotic. I found the sick children

receiving fairly good care; on the female side, very good care. There are no infants at Tewksbury without mothers, and, as is well known to the board, no foundlings since October, 1879; these all being boarded out in private families, with excellent results. In former times motherless infants fared badly here; because they were cared for by pauper women, ignorant and untrustworthy. In 1879 they ceased to be maintained at the almshouse. I saw a good many feeble, emaciated infants, born with nameless diseases, suffering for sins of parents.

“The men’s hospital is a long brick building, divided by the dispensary into two wards, — sick and convalescent. There are three small rooms off the wards for special cases, two of which held six beds and one two beds. In eight of these beds were sick, insane or idiot men. A small partitioned space off the long or sick ward is used for cases of delirium tremens. I found seventy patients in the long ward, thirty-nine of whom were in bed, the rest able to sit up more or less. None of these are able-bodied. Two paid male attendants only are in charge of these men, many of whom are demented. In the short ward were forty-seven feeble men, three of whom were in bed, with one paid attendant. There has been of late a night watchman for the two wards but not always; and the sick must have suffered when there was not. At present one attendant has just been dismissed, and his place is unfilled. For these one hundred and seventeen sick and feeble men, three attendants, with such help as can be had from patients, do all the work; cleaning the floors, utensils, etc.; bathing the patients, washing and bandaging sores, poulticing, giving medicine, food, etc. Any person accustomed to sick nursing can see how inadequate is the number of attendants, and how difficult it must be to secure persons to do so much work for the most repulsive subjects of disease and dementia.

“The male attendants were spoken of well by some patients; by some, of long term in hospital, with praise. Two men, apparently credible persons, gave me instances of attendants striking and roughly using sick men. One of these patients said that attendants had a hard time sometimes with delirium-tremens patients, who were very dangerous and difficult to handle. In my opinion, these two wards cannot have proper care without six paid attendants, four for day and two for night; nor would any of our good hospitals probably get along with even that number of nurses. First-class men cannot be had for this position, even at twenty-five or twenty-six dollars per month, which is what they are paid. No attendant should ever be permitted to be unkind to a patient, much less to strike or abuse one which is horrible to contemplate. But when cheap and insufficient attendants are demanded, we must put up with what we can get, as housekeepers sometimes must with faulty domestics. The surest

way to prevent abuse is to have competent men in charge, and enough of them. The appropriation does not permit this."

Gov. BUTLER. I want to say that that document has not been put in evidence. I have had no opportunity to meet or object to it, and I think it is not proper to argue upon it. But I have not objected to it, because, it serves his purpose, and has been printed as a campaign document and sent all over the State.

The CHAIRMAN. There is an agreement that all official documents might be referred to.

Gov. BUTLER. I haven't seen any official document.

Mr. BROWN. If the record of the board of health, lunacy and charity is examined, the document may be found upon it.

Gov. BUTLER. That is, after this investigation began, the board of health, lunacy and charity sent a woman to investigate it. If Mr. Brown prefers to read her speech I don't object. I would as lief hear him read her speech as make one himself. However, I don't object.

Mr. BROWN. Now, that is the institution, and this is the view taken of it by a conscientious woman, who had no motive under heaven except to do her duty. Ineligible to any office in this Commonwealth, she may be supposed to have no political bias.

Against this institution His Excellency charged with seventy-eight witnesses, and I ask your attention now, gentlemen, to an analysis of that evidence. Twelve of those witnesses, Dr. Edward Bacon, John Bacon, James Doherty, Dr. R. H. Faunce, Thomas Hill, John F. McGovern, John Malloy, Christian Muller, William Muller, John T. White, Mitchell Wing and Thomas Reddy, were called by His Excellency to prove that certain skins of human beings had been tanned. Dr. Bacon testified (page 1007) that between 1875 and 1878 he took two pieces of human skin from the dissecting-room at Harvard medical college to a tannery at Woburn — one white and one colored — where they were tanned; that no one at the college, except the students, knew anything about it. His father (page 1037) testified: "My son brought what was said to be human skin to Bishop's tannery, where it was tanned. It was a sort of concealed transaction; neither of the firm knew anything about it." James Doherty testified that he worked at Bishop's tannery since 1876; saw this human skin there: part of it black and part of it white. "I lined it," &c. John Malloy

testified that he also worked at Bishop's tannery; saw two pieces of skin, said to be human; tanned them, and gave them to Dr. Edward Bacon's father. Thomas Reddy testified that he worked in Bishop's tannery; saw these skins in the beam-house, one white and one black; "I skived them." Thomas Hill testified that he lived in Woburn; that Mr. Bancroft, of the firm of Eustace, Cummings & Co., gave him this piece of negro skin tanned; Bancroft told him it was a negro skin, and tanned at his tannery. John F. McGovern testified that he worked for Cummings & Bancroft; tanned a piece of negro skin at their tannery; that W. F. Morrison brought it to him, and said he brought it from Harvard, and it came from Tewksbury. Where is Morrison? Why isn't Morrison produced, if he knew where that skin came from? But it is left with you to say whether this employee shall be permitted to state what somebody told him as to where that skin came from. William Muller testified that he and his two brothers, Christian and Henry, were tanners at Cambridge; within a year and a half some parts of human skin came to our tannery and were tanned; one a negro's and the other a white man's; there was also brought some, five weeks ago, which my brother refused to take; he could not identify the piece of leather shown him. Christian Muller testified that he was a tanner; that some five or six weeks ago some human skin was brought there, and refused to tan it; a medical student brought the skins — "he said he was" — didn't know where he came from; he identified the skin with a shoe-vamp cut from it; received no pay for tanning it. Dr. R. H. Faunce testified that he procured a piece of human skin to be tanned from the dissecting-room at Harvard Medical School in November, 1881; "during the three years he was there he says he never saw any other skins taken by the students." John T. White, a member of the district police, testified that he procured one of these skins at Weymouth.

Thus we have four instances of the tanning of human skins during the 25 years in which Mr. Marsh has administered the affairs of this institution, during which time upwards of 6,000 persons have died at this institution, and during the last nine years of which 585 bodies have been sent from this institution, and only a small part to Harvard. Why, upon this evidence the argument, Mr. Chairman, that any human skin from Tewksbury was ever tanned, is as absurd and ridiculous as it would be to say that because the Jews once stoned a man in Jerusalem and a man

from Tewksbury was once in Jerusalem, therefore the man from Tewksbury was *the* man who was stoned. And not only that, but there isn't a pretence that anybody in Tewksbury ever knew it; not a pretence that any officer of the Harvard medical college ever knew it — it never came to the attention of the faculty. I called the officers of that institution, a large number of them, whose services covered a series of years, demonstrators of anatomy who had the handling of these bodies and the management of the dissecting-room, and not a single one ever knew that pieces of human skin had been taken from the institution for the purpose of being tanned. Two of the governor's own witnesses testified that it was a concealed transaction; one of them testified at length that during the three years he was at the institution he understood perfectly well that if any part of a human body was taken from that dissecting-room without leave of the officers, the student who took it would be the subject of severe censure.

But His Excellency goes one step further. He says that this institution at Tewksbury has been mismanaged, because the bodies delivered to the Harvard medical college have not been treated with proper respect. For that purpose he called Dr. Dean, whose testimony is upon page 326; Dr. Dixwell, whose testimony is upon page 9; and Dr. West, whose testimony is upon page 617. Dr. Dean was at the institution in November, 1858, and his testimony applied to the then condition of things. He said the small pieces of human skin and flesh taken off in the process of dissection were put into pails, and the contents of the pails subsequently were delivered into a sort of cistern. His Excellency undertook to say that those parts of the human body, thus put into the cistern, were subject to be fed upon by eels and lobsters. Nothing was ever more absurd in the world. We called the officers of the institution for the purpose of showing that nothing could get in or out of the cistern except the water which percolated through the strata of solid brick. Dr. West was a disappointment to His Excellency, for he says upon page 617, that everything in regard to the disposition of the parts of the human body at Harvard Medical School when he was there was conducted with all the propriety and decency with which such a thing could possibly be conducted. There is only one witness remaining, and that is Dr. Dixwell.

Dr. Dixwell testified to a condition of things so absurd that his testimony fell of its own weight. I venture the assertion

that not an intelligent man in the whole community ever believed that Dr. Dixwell told that which was true. His testimony was grossly exaggerated, either because he was mentally incapable of appreciating the truth, or because he wilfully and deliberately lied. To meet the testimony of Dr. Dixwell I called Dr. Wm. L. Richardson, who denied that during the period that Dr. Dixwell stayed at the Harvard Medical School there was any such condition of things as he represented; he denied that that there were any bodies of children in that institution during that period except those which he described as monstrosities (page 1203). Dr. Richard M. Hodges also denied that condition of things; he was familiar with the institution as one of its professors (page 1207). Dr. John Foster Bush was a class-mate of Dr. Dixwell and dissected with him in the dissecting-room; was familiar with his personal history, and they were comrades together in the pursuit of their studies, and he had an opportunity of knowing what Dr. Dixwell did; he denies that there were any babies at the institution at that time, except one which he found up in the museum department preserved in alcohol (page 1220). Dr. Charles Burnham Porter, who was also a demonstrator of anatomy during a long time, denies that there were any babies there except monstrosities and those preserved in alcohol, and he further denies the statement of Dr. Dixwell that during the period when Dr. Dixwell was at the medical school there was any dissection of animals allowed at the institution, or any mingling of the remains of animals with those of human beings (pages 1230 and 1307). Dr. Dunn denies the statement in regard to children, and further testified that Dr. Dixwell was of unsound mind; that it was generally known and understood and believed that his eccentricities were due entirely to the fact that his mind was diseased; he had associated with him, been his intimate personal friend, and regretted exceedingly to be called upon to make such a statement. Dr. James A. Fleming also denied the statement that there were babies there at the time Dixwell spoke of. Dr. Edward H. Bradford denied the statement in regard to babies; he also said that Dixwell's friends had observed for a series of years that he was erratic in his manner, that his costume was peculiar, that he had also made extravagant statements in regard to the school ma'ams of Boston (pages 1330, 1340, 1341, 1342); and he also stated that among Dixwell's friends and relatives his reputation for truth and veracity was bad. Dr. Shattuck, another distin-

guished member of the profession, testified that he knew Dixwell and his friends, that his reputation for truth and veracity was bad, that the condition of his mind and his apparent disregard of truth and his disposition to make exaggerated statements was the subject of frequent comment. Dr. Charles F. Folsom, a man known throughout the United States as an eminent scientist; at one time an officer of the old state board of health, and at another time under the new; a man who enjoys a reputation not only in this country, but in England, testified that he knew Dixwell perfectly well, was familiar with his friends, knew his uncle, Dr. Bowditch, that his reputation for truth and veracity was not only bad, but his unsoundness of mind was very generally conceded (page 1380). Dr. Charles H. Williams denied the statement of Dixwell in regard to the number of babies at Harvard College (page 1122), and also testified that Dixwell's reputation for truth and veracity was bad.

Now, Mr. Chairman and gentlemen, everything turns upon this man Dixwell. If you believe Dixwell, then the remains of human beings and the remains of animals were mingled together in the dissecting-room, and buried in the same grave. His Excellency has undertaken to show that Dixwell was a man of truth and veracity. He has undertaken to show it by the testimony of several witnesses: one from Lynn who has seen him only three times since graduation; one witness interested in the collection of natural curiosities, in which subject Dr. Dixwell had also great interest, he had seen him frequently; and another witness, Mr. Hamilton, who had also seen Dixwell; and Wendell Phillips, who had seen him frequently. Those are the men who, as I remember, testified that they never heard his reputation for truth and veracity questioned. Now, of course, gentlemen, it is one thing to say that you know a man's reputation for truth and veracity is bad, because you have *heard it called* in question, and it is another thing to say that you *have never heard* it questioned. We are all here together, associated in the performance of an important duty. Fifty or a hundred persons in this room could tell you that I am addressing this committee; but there are a thousand persons walking on yonder street who do not see this performance. Their testimony that they didn't see it, or never heard me speak, isn't of the slightest consequence in the presence of the testimony of three persons in this room who are listening to my voice.

But, Mr. Chairman and gentlemen, why go to Lynn for a

witness to tell you who Dixwell is? Dixwell's father and mother were born here, and now live here; his uncle, Dr. Bowditch, is a distinguished, a heroic man; he has sisters here, several in number; brothers-in-law, distinguished members of the Suffolk bar, one wearing the ermine of a high judicial office in this Commonwealth. Why not call some one of them? Or, Mr. Chairman and gentlemen, have they been, during the last thirty days, pleading with His Excellency that Dixwell should remain unnoticed, so that his reputation should not be a matter of record to be handed down in an official document among the archives of this Commonwealth?

I call this to your careful attention, because when it is possible to bring in the men who have known Dixwell from childhood — and they are reputable — that is the best source to which you can resort; provided, always, that it is accessible. It was probably not the case here.

But I must not omit to call your attention to the testimony of Mr. Frothingham, a witness for His Excellency. He said Dixwell was always making exaggerated statements, and *had been* for years, — he had noticed it in his management of the affairs of the Russian Jews, and that he had heard a gentleman well known in this city, a Hebrew, a Mr. Hecht, say the same thing — that Dixwell's conduct was constantly disappointing him; that he was constantly disobeying orders. So much for Dixwell.

I come now to the next subject — acts of cruelty committed at this institution. The testimony upon this subject is from three classes of witnesses: *first*, persons outside of the institution; *second*, the attendants who have served at the institution; and *third*, inmates. Of those persons outside of the institution, who have visited it, out of the fourteen thousand and odd names upon the register, His Excellency has produced seven. And you want to remember that Capt. Marsh stated to you that that register did not contain more than a quarter of the names of the persons who had visited it; and yet there are nearly fifteen thousand names. It commenced to be kept in 1863. Seven persons were called out of (in the neighborhood of) sixty thousand who have been there. John Carver and his estimable wife, I take first. He had a peculiar story to tell: it interested him, and I have no doubt it interested the committee. On one beautiful night there was a sweet child left at his house, upon the doorstep. The child was of

fair face, small features, handsome, and, as Mrs. Carver said, it had one of the characteristics of her own family, — small bones. They took it and kept it a few days without even thinking what possibly might be the relationship, and then they took it to Tewksbury on the 19th of March, and on the 21st they went after it. Mrs. Carver had a revelation during those two or three days, and her heart went out to that child as it never had gone out before. Somehow or other, there was such a remarkable resemblance between that child and some of her own family, that her heart went out toward it, and her feet started out for Tewksbury. She arrived there. She found that the child, which had always been fed on one particular cow's milk on her farm at her house, had been nursed at the institution on another cow's milk of a different character or quality, and the child got sick.

There were other influences not within the control of the officers—such as a large number of children confined in one room, cared for, the most part, by pauper attendants; a lack of proper nursing rendered necessary by the fact that the people of this Commonwealth (and I shall come to that subject by and by) never fully opened their eyes to the great responsibility which rests upon them in the management of this institution, and have never given it the proper means or its officers the proper opportunity to do their duty. Well, that child wasn't well. She took it home and in a few days it got better; and the lady was frank enough to tell you that a change of milk, she had noticed in the management of her own children which she had reared, was sufficient to make a child sick, to cause vomiting and also some of the other symptoms she had heard attended this child during its stay at Tewksbury.

Another was Bridget Dolan. She had a husband and that husband was a cripple. They were short of means and that husband went to Tewksbury, and he liked Tewksbury so well that Bridget after that never had any fascination in her person that would prevent him from staying there.

Well, then, there was Mark Heathcote, who went to Tewksbury with a small child, and while he was in the institution, after he had left that child there, he observed at a distance, some twenty feet away, another child with something in its mouth which he thought was a cake of soap. That is all. He didn't inspect it to find out if it was soap. The occurrence didn't appeal to his sympathy and excite his anger; not at all.

He deliberately looked on and went away, and never told it except as an amusing incident, a pretty good joke, to somebody after he got to the police station at Salem that night, and then he made that mysterious entry in his diary which I want the committee to examine. If any man can say that those entries were not made at different times, with different pencils, then I am mistaken. I venture to say, gentlemen, that you cannot make a like exhibition with the same pencil if you should keep trying from sunrise to sunset. Gentlemen, that entry was made afterwards, and not, as he stated, with the same pencil. It wouldn't be possible.

Well, then came Johanna Ring. She had a little trouble, and Mr. Isaac Tully had a little trouble. I will pass them by for want of time. But the witness who was the most intelligent of all the outsiders was Dr. Tucker. He probably hadn't seen His Excellency for consultation, or he would not have been produced; but he had seen the institution and had gone all over it. The criticism of Dr. Tucker was that there wasn't a sufficient number of attendants upon the insane, and that there should be some means for engaging their attention, giving them diversion of one kind and another, during the hours of the day when they were not confined in the dormitory, or engaged in sleep. That is the substance of all his criticism—a gentleman charged by the government of Australia to come to this country to investigate the institutions for the treatment of the insane. He had travelled from one end of it to the other; and that is the only criticism he could make. He wasn't familiar with the diet, but he said the kitchen and all its utensils were thoroughly and properly cleansed, the beds and bedding were clean and there appeared to be a proper respect among all the inmates for the officers. He saw nothing to criticise in the discipline of the institution and made no criticism. He said it was the best managed institution of the kind he had seen in this country. **So much for outsiders.**

I come now to the inmates. These are ten in number; one six-thousandth of the entire number that have been in the institution since Mr. Marsh went there. I want to say in the outset, gentlemen, that if you have succeeded in supplying the wants and quieting five thousand nine hundred and ninety-nine complaints out of six thousand in your own family, you are then qualified to criticise Tewksbury. When you go home at the end of this session, if you find that you have satisfied

five thousand nine hundred and ninety-nine six-thousandths of your constituency, I venture the assertion that you will be returned here until you are too old to travel.

What are these complaints? Joseph Beebe is the first witness, a man known for years to be quarrelsome, mischievous, and fault-finding always. He is a widower, or rather, I should say, he and his wife are incompatible in temper and could not live together. He is loaded with the responsibility of maintaining an idiotic son: and as this son can be better provided for at Tewksbury than anywhere else he keeps him there, and when he is out of work himself he finds Tewksbury a very happy sanctuary to which to resort. He gives us instances of acts of cruelty (page 624); things done by Smith,—you saw Smith here,—and if there is anything in the face of that man Smith that would lead you to suspect he could be guilty of that act, you saw something which I didn't. Then there was Goodwin, who had another trouble (page 357); but I will not spend any time on that. Then there was Otto Holden (page 374). Hattie A. Jackson was not properly treated; she had too much work to do. Then there was that immaculate person, Cornelius H. O'Brien, concerning whom the record shows he was fourteen times indicted, convicted, and served his sentences or paid his fines. What an angel he was! Well, there was that woman, Catherine Powers, who in her own home was drunk a greater portion of her time, and allowed her own children, some of them begotten when she was drunk, and who inherited the peculiarities which might come from that condition of things—three or four of them idiots—whenever they were thrown upon her care to get lousy, and become covered with vermin, as appears from the testimony of the officer from Cambridge. She found fault. Margaret Terry was another one. Then that sweet saint, Abby E. Wheeler, who has been for the last fifteen years in all the public charitable institutions in the Commonwealth, I think. Then there was another one, Frank E. Haberlin; he hadn't received proper treatment, and he told you wherein that maltreatment consisted. I will not spend any time on his story. He was the man that served with Banks on Roanoke Island, and belonged to the 156th New York; and I should have proved he was a deserter if His Excellency had permitted me to put in the testimony.

The CHAIRMAN. I don't remember that you offered it.

Mr. BROWN. I offered his declaration to that effect.

The CHAIRMAN. I think you are outside of the record.

Gov. BUTLER. I don't object; I don't want you to, Mr. Chairman.

Mr. BROWN. Then there was Bowen. We all remember little Eva. She was a remarkable character, and had a remarkable history. When this investigation began, it found her leading an obscure life in a den of infamy in New York. Her friend — and everybody knows what *a prostitute's friend is* — wrote to the governor, and the governor sent for Eva. I can imagine the feelings of that remarkable creature, as she set out by rail from New York to come to Boston for an interview with His Excellency. She flattered herself that it would be the opportunity of her life. She had made up her mind to tell him her whole story. She told her story, and oftentimes she "would beguile him" of his "tears when" she "did relate some distressing stroke" her "youth had suffered." You know the rest. She went on, and her story being done, he told her he pitied her, and I presume he added, in the language of the poet :

"And yet" he "wished that heaven had made" him "such a (wo)-man."

She came here; she told her story. You will remember it; I will not recite it. Suffice it to say — of course I don't know anything about this; I only infer it — that when I got through with her, and His Excellency found out exactly what sort of a character she was, he must have said to himself: "Well, after forty years' experience in the profession in dealing with all kinds of characters, this is the first time ever any woman ever succeeded in capturing me by my own credulity." Why, she told His Excellency that the misfortune which came upon her in her youth was the result of an association with a distinguished member of the Suffolk bar, a man in high social position, that his name was the same as that of one of the early presidents of the United States. That is what she told him. But, unfortunately for her, she had several times made a declaration, and the State officer, Mr. Tripp, had reduced it to writing, and in the records of the board of health, lunacy and charity was found her declaration taken on the 28th day of July, in the year in which she was sent to Tewksbury, two days after her arrival there, in which she said that the father of her child was one Matthew Hearn, an artist on Hanover Street, who was so obscure that His Excellency hasn't been able to find him yet. I venture, Mr. Chairman and gentlemen, to say that the history of Massachu-

setts will never be written by the pens of the prostitutes who have left her borders; neither will the judgment of this committee ever be made up on the testimony of that syphilitic being, Eva Bowen.

I come now to the attendants. First are Mr. and Mrs. Barker. Mrs. Barker enjoyed the reputation of being a very jealous and quarrelsome woman. Whether she was jealous of her husband or not, the record doesn't show. But the significant fact in regard to their story is this: it chiefly relates to the methods of bathing; and the declaration of Mr. Barker that there were no individual bath-tubs in this institution, we showed to be absolutely false, because we exhibited the bills—and we have them here—showing the individual bath-tubs in that institution were bought and paid for, years before, when the building was erected—individual bath-tubs of iron, the same that are there now; and we have shown to you beyond all question that if there was any lack of proper bathing of the inmates it was because they, Barker and his wife, were too lazy to attend to their duty. The evidence is uncontradicted that in Barker's department he was charged with that duty, that it belonged to him and to nobody else; and it was further shown that no lack of attention on that subject was ever brought by him to any officer of the institution—never. What shall we say of the testimony of a man who says the inmates were bathed in water such as he described, when there was no necessity for anything except an individual bath in pure water? All you had to do was to turn the faucet: hot and cold water came in in some instances, in other instances the cold water came in and it was heated by steam. But if there was any lack of apparatus there, was the management of Tewksbury responsible? I will come to that by and by.

Now I come to Ananias Dudley, and Sapphira his wife, whose testimony appears upon pages 62 and 212. Mr. Dudley's record was that of a discharged attendant for drunkenness from the hospital in Maine. His record at Tewksbury, uncontradicted as it is, was that he invested in a croquet set to the neglect of other duty. That is not contradicted. See the testimony of Mr. Thomas Marsh, Sr.

Now, Dudley and his wife told the same story as Barker did in regard to the bathing, and Mr. Dudley denies, as Barker did, that there were individual bath-tubs. I got out of Mrs. Dudley a confession that there lingered

in her mind a faint recollection that there were one or two individual bath-tubs in the department over which she and her husband presided. He told you the story of the Barron woman, and the acts of cruelty to her; that he went there, inspected the quarters; found a woman who had been confined in a cell for years for aught he knew; she was emaciated, covered with vermin, her cell was besmeared with filth and excrement from the human body; he washed and cleaned her up, and cheered her up, so that in a short time she became so fat and so happy that her husband didn't recognize her. What is the fact,—the uncontradicted testimony of three witnesses who attended the Barron woman? That the man Dudley kept that woman in the same cell for four months after he went to the institution, fed by the same food and helped by the same woman, who is called an idiotic inmate, until she, the insane woman, was removed to another place, and was taken out from under his charge. There is no contradiction of any witness on that subject, not a syllable. *Ananias Dudley!*

Then Jennie Pope told you a remarkable story; that she was a helpmate in the kitchen of Capt. Marsh, and she, standing at her window one day, saw a woman kicked up the asphalt walk from the office to the insane department. Now, gentlemen, take the map and look; from that kitchen window her view was obstructed from the entire walk, and every walk that led to the insane department. She could only see about 20 feet of the end of the building, on her right side, on her right hand, which, at the time that occurrence was said to have taken place, had not been built. To-day you can only see about 20 feet of that end. The obstacle intervening is a large two-story building, with a basement, in which the office is located; and the only way you can account for her story is that she had the faculty of looking through four partition walls of a three-story building. So much for her.

Then we have that sweet-tempered creature, Agnes Calder. She was here yesterday. She swore that Dr. Lathrop wasn't at the institution when the affair took place which she related in her testimony, and yet the auditor's report for 1876, I think it is, recites, under the head of attendance, "Dr. Lathrop, from the 1st day of October, 1875," and that return to the auditor was upon the oath of Mr. Marsh, Sr., or it could never have got into that report. It was also certified by the board of in-

spectors. The record shows, (page 2006, I think it is,) that Dr. Lathrop testified that he went to that institution on the 1st day of October, 1875; and yet Calder swears, in the most positive way, — and I asked her to repeat it three times, so there might be no mistake about it, — that she left the institution six years ago the first day of July of this year. The record of the inspectors shows that on the 4th day of September, —eleven months lacking three days after Dr. Lathrop went there, — he made a report to the inspectors, showing that that very case which is now before you had been brought to their attention, and on his report to them, and upon their investigation, they declared that Agnes Calder had made a declaration that the facts related by her previous to that time, and *now repeated* here, were untrue. And yet she says that Dr. Lathrop wasn't in the institution. His Excellency gets out of it by saying that the statute which made him a resident physician had not been passed.

Then there was Mrs. Thomas. She went to the institution, remained there for a series of years. She complained of the care and management of the children. Her mind was profoundly imbued with the sacred trust she had in charge while she was there, and that deep sentiment never left her until she got on the witness-stand, when she delivered herself as follows: 'To a question of His Excellency — "By somebody's neglect the woman was found mangled by rats and found dead?"' "Yes, sir; but *I would like to say a word about the butter that was made.*" The mangling of a human being by rats and the quality of the butter at the institution were so completely and irretrievably mixed up in her mind that she delivered her opinion of both in the same sentence. If she was as reliable in the story about the rats as she was in her statement about the butter you will know precisely how much weight to give to her testimony.

Miss Calder was discharged, Dudley and his wife were discharged, Dr. West was discharged. The only fact in Dr. West's testimony was in regard to the treatment of a woman in travail. I concluded, Mr. Chairman and gentlemen, after hearing the testimony of Dr. Lathrop upon that subject — it being always the first duty of the physician to save his patient, and that having been successfully accomplished — that his duty was performed; that it was done in a most creditable manner. He was placed in a difficult position. Dr. West had been by

the side of that woman from three o'clock in the afternoon until two or three o'clock in the morning; he had used every effort known to him for her delivery, and nothing had been accomplished. Dr. Lathrop undertook to perform the terrible duty, knowing and understanding as *we* now do, and as every physician understands in a peculiar manner, that his first duty always is to save the mother if possible. What he did was without injury to the mother, and she is now going about this Commonwealth rejoicing.

The CHAIRMAN. That isn't in the record.

Mr. BROWN. I beg pardon. She got well and I *presume* she is rejoicing.

Gov. BUTLER. I hope the chairman will not object.

Mr. BROWN. I suppose she is rejoicing if she is well, for that is supposed to be the normal condition of mankind.

Gov. BUTLER. I hope the committee will allow the gentleman to go on. I will object when my rights are infringed upon.

The CHAIRMAN. I do not think he should go outside of the record.

Mr. BROWN. Well, of these nine people out of the 250 attendants who have been there, four have been discharged. There are five who haven't any known grievance which the record shows. Five witnesses out of 250 possibly impartial, to tell what they remember. That is the most favorable criticism you can put upon their testimony.

But during this period the character of this institution was known to others beside its attendants. It had been visited, as I have shown, by a great many persons, commencing with 1861, when Gov. Andrew wrote that memorable letter dated the 25th day of December. The institution was well known to him. In that beautiful letter, addressed to those children, he called their attention to the remarkable opportunities which they, considering their condition in life, their circumstances and surroundings, had, not only for preserving their health, but for obtaining an education at the school which then existed at the institution. And he commends them, as he says, to *his kind friend, Captain Marsh*.

I said a little while ago that the lowest average expense in any week in this institution was eighty-seven cents per inmate, and that was the cost per week for each inmate for the year 1858, when Captain Marsh first took charge of the institution. The greatest cost in any year was in 1882, and then it was \$2.09. For-

tunately we have had brought into this case by His Excellency —and it is the only opportunity we have for making comparison, because to all the cases that I undertook to get in His Excellency objected; I supposed His Excellency was willing to allow the record of the National Home for Disabled Soldiers to be put in, for having had connection with that, he justly felt pride in its management —and I read from the record of the National Home, to which he referred us (report 45, page 4) : —

The whole number supported or cared for during the year ending December 1st, 1870, at Dayton, Ohio, 2,101; at eastern branch, Augusta, Me., 719; at northwestern branch, Milwaukee, Wis., 798; at Soldiers' Home, Philadelphia, 451; out-door relief, 71; making a total of 4,194. Number treated in the hospital during the year, 1,667.

I want you to mark that, gentlemen: 1,667 out of 4,194. — in the neighborhood, in rough, of not quite 33 per cent. At Tewksbury, those requiring medical assistance, and in the hospital, numbered upwards of 50 per cent. In 1862 there were only two paid attendants at the institution. At present it is almost impossible to secure among the inmates, nearly a thousand in number, sufficient to wash the floors and do the menial service necessary to be done. Only one-third at the Soldiers' Home were treated in the hospital during the year. All the service and labor at the asylum are performed by the disabled soldiers, at prices from five to twenty-five dollars per month (the report says).

At the central asylum, there was a profit, from work done by the inmates, \$20,758.82. The asylum realizes from farms and gardens, \$29,297.28.

The cost of each inmate per annum at the several asylums was \$160.79 — 52 weeks in a year — in the neighborhood of \$3 a week, a little over \$3 a week. Compare that with \$2.09 at Tewksbury.

Gov. BUTLER. About \$3.08.

Mr. BROWN. Well, \$3.08. Compare that with \$2.09. In the one institution there were only 33 per cent. in the hospital, and in the other, more than 50 per cent. in the hospital, or disabled for labor. Compare also the difference in the cost. No free attendance except, perhaps, French Joe, who labored for his board and clothes, and Burns, *alias* Burnham, who got \$150 a year; — with those exceptions, no officer has appeared here who has received less than \$20 a month.

At the central asylums the cost of each inmate was \$160.79 per annum; at the eastern asylum, \$208.42, almost \$4 a week; at the north-western asylum, \$182.92; an average for the whole of \$184.04, or more than \$3 a week — about \$3.50 a week.

Gov. BUTLER. \$3.39 a week.

Mr. BROWN. Well, \$3.39 a week. Now, sir, I have no doubt that His Excellency administered the affairs of that institution with the same sagacity that he administered his own private affairs. I have no question but what His Excellency bears the same feeling toward the paupers, insane or sane, of this Commonwealth, that he bore to the disabled soldiers. I think the misfortunes of the citizens of this Commonwealth are not to be estimated for the purpose of punishing one for the deficiency, or rewarding one for the success. But when His Excellency comes to his argument, I want him to tell you why should not the paupers, the unfortunate poor, sane and insane, of this Commonwealth, be treated with the same degree of kindness, and have the same facilities for amusing themselves, and surrounding themselves with comforts; and why should not they be provided with the same delicious and nutritious diet, as was furnished to the soldiers at Dayton and elsewhere? I would like him to answer that question.

I cannot stop, Mr. Chairman and gentlemen, to go over all the criticisms which have been made upon the management of this institution. I take those which stand out most conspicuously in my mind as requiring my attention. One of the criticisms made by His Excellency is in regard to the expenditure for flowers and bulbs. You recollect Capt Marsh told you what interest those insane women took in the little patches, the little flower gardens that may now be seen under the windows of the insane building; how from the time he went to the institution up to the time when he was removed he undertook to make that little terra plain within the walls of these buildings a paradise, dotted all over with flowers and shrubs and trees. In the centre there stood the conservatory, about twenty feet square, in which these flowers and bulbs and trees were housed in winter, in order that they might be preserved for the succeeding summer. His Excellency thought that those poor people should not have the benefit of any flowers; that God's free gifts, which dot every field and every meadow, which beautify every tree and every shrub, should not be enjoyed by the insane women and poor decrepit men who hobble about that

institution, up and down the walks, but are unable to go outside and see the beautiful fields. There should be no flowers there. Wouldn't it be better, he says, "that the expense of supporting that conservatory should be expended in furnishing food or other things to these poor inmates?" Well, gentlemen, I have not any criticism to make upon that remark *but this* — I want to quote from the 12th chapter of John, the only instance of a similar expression of malevolence that I have heard in my life. Fortunately for the human race, it was eighteen hundred years ago and upwards. The thing does not occur except about once in nineteen hundred years. I read :

"Then Jesus, six days before the passover came to Bethany, where Lazarus was which had been dead, whom he raised from the dead.

"There they made him a supper; and Martha served: but Lazarus was one of them that sat at the table with him.

"Then took Mary a pound of ointment of spikenard, very costly, and anointed the feet of Jesus, and wiped his feet with her hair; and the house was filled with the odour of the ointment.

"Then saith one of his disciples, Judas Iscariot, Simon's son, which should betray him,

"Why was not this ointment sold for three hundred pence, and given to the poor?"

Now, gentlemen, I come to another topic which requires my attention; that is the matter of the foundlings. I undertook, because I thought we should be benefited by the information—to show you what experience other institutions had had in this country, and that was excluded. We are now left simply and solely upon the evidence which has been produced here. The register of deaths, the reports of the institution made from year to year, I presume correctly and accurately set forth the alarming extent to which these infants died. We have no disposition to deny a single fact. We have no disposition to undertake to get rid of the responsibility of that fearful mortality. But I say to you, gentlemen, that from the beginning to the end of the foundling experience, in this country or Europe you will not find an institution situated similarly to that in Tewksbury. Not another institution has ever been heard of—and I challenge contradiction—where the foundlings were selected as Mrs. Spear, I think it was, the matron of the Chardon Street Home, stated. She selected only those that she believed could not live, and she

sent them to Tewksbury. Of all the diseases that flesh is heir to,—syphilis, scrofula, everything known in the whole category of diseases,—these children had, some one, some all. It was an extraordinary thing to find a healthy one.

Mrs. Spear said in the first place that many of them, very many of them, a large percentage of them, when they came to the hospital at Chardon Street showed indications that they had been drugged; many of them had syphilis; many of them indicated that they had not been properly nourished; some of them died in the arms of the officers as they went up the stairs of the institution to put them in a place of quiet and rest; others died on the way to Tewksbury; some one or two of them on the train; and, in one instance, when the shawl was unfolded in the hospital at Tewksbury, the child was found to be dead. Well, His Excellency, seeing the predicament in which his cause was placed, thought he would reinforce himself by some evidence in rebuttal. He called Mrs. Lydia Warner. No. 52,261 is the register number of Willie Marshall, who was two years old, born in Boston, sent to Tewksbury from Boston, as the record shows; under “disease or condition,” “well.”

Gov. BUTLER. What date?

Mr. BROWN. Went to the institution on the 14th day of June, 1877; discharged on the 14th day of June, 1877; and under the head “Remarks,” entered “nominal admission.” [Producing a certificate.] Here, from a public record, is another declaration upon the same subject: 55,261, Boston, June 14 —

Gov. BUTLER. Let me see that, will you? I have never seen it. [Receiving the certificate.] This don’t seem to be any public record. Send down and get Mr. Wrightington’s record. I object. This is not certified by anybody.

Mr. BROWN. Well, if it is objected to, I don’t propose to have any controversy with His Excellency.

The CHAIRMAN. If this is not in,—if it is in Mr. Wrightington’s book, bring up the book.

Gov. BUTLER. It is in Wrightington’s book of history.

Mr. BROWN. So that that record, from which Mrs. Warner took the name to show that that infant had been there fourteen days, shows that it never was there a day; if it ever got there after sunrise it departed before sunset. So much for Mrs. Warner until the other paper comes. Then I call the attention of His Excellency to the discharge-book, which is a matter of

public record, open here in this case from beginning to end, in which he will find the particulars stated substantially as contained in the certificate, that that child, for a certain purpose, was to be credited to Tewksbury in order to bring it under a provision of law which enabled them to take it out of Tewksbury and put it into the hands of Mrs. Warner, who is registered on that book as living here in Boston, with the name of the street given. The fact is, I infer, that the child never went out of Boston, never was in the institution; and when Mrs. Warner said it was there fourteen days, she probably saw the date 14th of June, and imagined that meant fourteen days.

Gov. BUTLER. She said she took it herself from Tewksbury.

Mr. BROWN. I know she did. And there is her receipt for the child, given here in Boston. I don't care what she said; the record contradicts her. She said she looked at that record and saw that the child had been in the institution.

Gov. BUTLER. And she has never said any such a thing.

Mr. BROWN. I beg pardon.

Gov. BUTLER. I beg pardon.

Mr. BROWN. She said the child was there fourteen days and she went after it.

Gov. BUTLER. I apologize.

The CHAIRMAN. The record will show.

Mr. BROWN. When the record shows that the child was never there a day; if it was ever there it was discharged on the same day.

Gov. BUTLER. I ought not to have interrupted, sir; I apologize for doing it.

Mr. BROWN. Now I come to another subject, and that is the subject of the books. And, when you come to consider that, I want you to place at the very head of your report the declaration of His Excellency, and also of Mr. Fairbanks,—if you see fit to quote Mr. Fairbanks; if you place any confidence in him—the declaration of His Excellency, quote it, please: put it in quotation marks, and say, Book so and so, statement of Governor Butler,—that this set of books is the most accurate he ever saw, and “the most free from blots and erasures.” Now, this accurate set of books was the subject of criticism by Mr. Fairbanks. We have here a statement on the record which was prepared by Mr. Fairbanks, for the purpose of showing that the management of this institution were feeding a large number of people whose names were borne upon the register and were

not there; and in that way, the average price per week was to be materially enlarged.

“Number 52, 261.” [Referring to a book of records.] This is the record of Willie Marshall: “52, 261, Willie Marshall, two years, from Boston”—or at least “two,” which means their years of age. “Boston, June 14, 1877,” “2,” which means years of age, “B,” which means born in Boston, “parents Hannah Eliza O’Connors and Hiram Smith; a ward of Mrs. Warner’s.”

Gov. BUTLER. Go on.

Mr. BROWN. “Discharged the 14th of June, 1877,” the same day that it was entered.

Now, His Excellency called Mr. Fairbanks on the subject of these books; and Mr. Fairbanks, who is a lawyer, an expert in handwriting, an expert in book-keeping, who can tell you when he looks at a paper how old it is, just as a horse-jockey looks in the mouth of a horse, and is able to tell you when he was born—he testified in regard to these books. He charged us with feeding in the institution sixty inmates, borne on the register of the institution, who were not there, and whose feed in some way we were stealing; and that, His Excellency asked you to infer, was the way in which we were covering up some of the delinquencies of the institution. Of those sixty, *twenty were rejoicing in good health at the institution at the very hour when he was giving testimony.* I have here their names and their register numbers. This appeared in evidence. Of the sixty, the discharge-books show *that twelve had already been discharged.* He looked at the register, and *didn’t look at the discharge-book.* An expert! Twelve of the sixty; that *making thirty-two out of sixty.* We accounted for twenty that were living in the institution, and twelve were reported as having been discharged and were discharged. Eight of them were reported as absconded on the register from which he took the figures—the very register, *the very book.* Seven of them, and seven only, had absconded and had not been reported. Five out of sixty had been discharged, and the books showed they had been discharged. Six were standing “on liberty,” having gone out of the institution, it being undecided whether they might not return immediately, and no entry had been made upon the books. Two, whereabouts unknown, probably absconded. So that this expert charged us with supporting sixty inmates not in the institution, and *forty-five* of them were accounted

for upon the books. And of sixty only fifteen *were unaccounted* for. Only fifteen in twenty-five years. The committee must recollect this record extended over twenty-five years. In twenty-five years there were only fifteen persons for whom there had ever been drawn a ration, who were not there to eat it. In other words, this expert in book-keeping made forty-five mistakes out of sixty statements, — forty-five mistakes out of sixty statements! — mistakes which he should have corrected if he had had the perseverance or the honesty to have looked there into the books, or to have looked at reports of the institution sent here to this State House, showing the number of inmates present on the day when the board of health, lunacy and charity took possession.

This same *expert in mistakes* goes to another subject and that is the inmates' cash. And he reported to this committee fifty-four cases; only fifty-four out of three thousand six hundred entries. The books devoted to keeping inmates' cash, cash memorandum books, were three in number. The first was an old book, not in the handwriting of Charles Marsh. The second was numbered one and not in the handwriting of Charles Marsh. Mr. Fairbanks said he could not find an entry in that book that he was willing to swear to. The third was entirely in the handwriting of Charles Marsh. He took occasion to make the reservation afterwards that he did not examine the first book and that was not included in his early testimony. There are twenty-six hundred names on the last two books which he did examine, and from which he selected these fifty-four instances. Now, I am not going to take the time of this committee in going over in detail each one of these cases. There are three cases which stand out prominently, — the case of Ellen Allen, the case of Ludwig, and the case of Johnson. Now, this was simply a memorandum book and nothing else. Mr. Marsh told you how he kept it. Gentlemen, if any member of your committee can think of any manner in which that book could be kept with greater safety to the institution and its officers, and with more security to the inmates, I should be very glad to hear it. Remarkable it is, gentlemen, that out of thirty-six hundred inmates who had cash which was handled at this institution, only two have been found who could come here and make complaint. Two out of thirty-six hundred.

Now let us take the case of Ellen Allen. First, did Ellen Allen have any money when she went to this institution? That

is the first thing to be settled, because if she never had any she never should have been credited with any. Well, Richard Morey, a boy, who was a minor when the transaction took place, comes here and tells you that, sitting at his father's fireside one evening in 1877, he overheard his father and mother discussing the subject of the amount of money which the sister, Mrs. Ellen Allen, had. The subject under discussion was this: She was going to Tewksbury; he heard something mentioned about \$150, and he came here to tell you that Ellen Allen had \$150. He didn't know anything about it. There is no tribunal in this Commonwealth that would ever have received that in evidence; not one. He heard that conversation between his father and his mother. On his direct examination he led you to believe that Ellen Allen was present. Subsequently, if I remember correctly, it turned out that Ellen Allen was upstairs. No officer of this institution was present. All there was of this matter was hearsay evidence—every syllable of it; they might have been talking about something else. They might have been talking that night in regard to the amount of the mortgage on his father's house as it then existed. The evidence shows there was a mortgage on it. But look at it. That is taken as testimony. And then she is credited with a dollar, and they say we have stolen \$149. And after this book has been in this State House for three months, examined in the first instance with great care by Mr. Fairbanks, and I put the question to him as to whether there was anything else about any of these entries that he discovered, that he wanted to testify about, and he said there was not, they discovered that there was a yellow stain on that entry, and they bring a chemist in here to say that that entry had been touched by acid. I offered to show that no stain existed on that entry when it came to this State House: and that was excluded for want of time. Now, what is the evidence on the other side? Why, Mr. Haskell, one of the overseers of the poor in the town of Gloucester, at the very hour almost,—on the same day, or the day after,—when that conversation took place, this man Morey, the father of the witness, the brother of Ellen Allen, was an applicant to him for aid to his sister. In other words, he wanted to get the city of Gloucester to take Ellen Allen and support her. Mr. Haskell looked into it, and found she had no settlement in Gloucester, and he told Mr. Morey that he would have to take her to Tewksbury. And the overseers of the poor of

city of Gloucester paid Mr. Morey five dollars to transport Ellen Allen to Tewksbury. And then the committee allowed me to put in—because they had allowed Richard Morey to testify—they allowed me to put in a conversation between the old man Morey and Mr. Haskell, which was in substance this: that he didn't know of any money she had. She had some dresses and some jewelry,—nothing said about the value,—but he didn't know of any money she had, except he had heard that in Gloucester, before she went away, she sent somebody down town to change a fifty-dollar bill. Well, if there is any member of this committee that would charge his neighbors with one-tenth of a cent on that evidence, I think *his neighbors* are in a very insecure situation.

Now take the next case: that of Ludwig. Ludwig went to the institution, he says, with \$37. He is credited with \$3.77. and His Excellency said that was one of a great number of instances where the real sum had been divided by ten. Well, I pity the clients of His Excellency if the division by ten of thirty-seven leaves 3.77. But that is the only instance he found. He never found any other, never mentioned any other—never, if I recollect right, and I think I do. It is like the *promise four times made* on the record in regard to the treatment of bodies at Harvard College, that he would connect it with Tewksbury; but he never did. He could not. Why, he hadn't the courage to renew his application to show you that Eklund ever went to Harvard College, because he knew that the burial book of the institution showed that Eklund died on the 3d of August, 1879, and *was buried*. And he didn't dare to open the grave or to make application for the opening of the grave. And upon the evidence to-day Eklund is there in his grave, and there is no evidence before this committee that this piece of *skin was not made up for this occasion*; it is not accounted for in any way, shape or manner; it is thrown in here, like five or six other pieces, *to be interred hereafter with proper ceremony*, at least what remains after a *proper distribution as souvenirs* among the friends of His Excellency.

Now I come to another subject. Or, rather, I should say this: Mr. Fairbanks, finding fifty-four inaccuracies in the inmates' cash-book, says that he didn't make thirty-six mistakes. I will submit the record to any man that can read, and see if he does not, on comparison of the books with Mr. Fair-

banks' testimony, find thirty mistakes, thirty *egregious blunders*. In *seven* of the cases where the money is charged as having been embezzled, it is recorded *on the cash-book as having been paid into the treasury of the Commonwealth*. There are thirty out of fifty-four, — and I have made a tabulated statement of the testimony on both sides, every syllable of it, — there are thirty inexcusable mistakes out of fifty-four, and there cannot be any escape from it. Why, that man imagined he saw an ink-mark where none ever existed; and in two instances the record shows that as I walked around on the other side and put that glass on to it the man wavered, and then on cross-examination he admitted he had made a mistake: two instances on the record which I have tabulated here. Thirty mistakes out of fifty-four! He is an expert in mistakes. He is as bad as Agnes Calder.

Now there is another matter you are to consider, gentlemen, in making up your report as to whether this man Charles Marsh, or any officer of this institution, embezzled this money. If they embezzled the money, you must find a motive. It is very easy to find a motive for the embezzlement of money. Money is something we all need and can all use, and it is easy to find a motive. Now when you have found a motive you want to go one step further and you want to ask whether this is the performance of an idiot or a knave. Well, it must have been the performance of an idiot, if there was any dishonest purpose, for seventeen out of these fifty-four cases are cases where people *have absconded*; and the Lord only knows but they might have turned up fifteen minutes after the entry had been made and the money stolen. What a risk a man would take! Would an honest man or any man less than a fool take the responsibility of stealing money from seventeen absconded individuals who are likely to turn up at any moment? Can you imagine such a thing? Why, the dead can never come back. A man who had that opportunity, if he was a knave, would steal from the dead, wouldn't he?

Seven or eight of these men had been discharged; regularly discharged. Where were they? Ellen Allen died; Ludwig was discharged; and when he was discharged his money, \$2.10, was put into the hands of Mr. Doane, who says he saw it, or at least he saw that he had a small amount of money. Mr. Doane paid the fare of Ludwig, because the amount of money he had

was so small that he didn't think he ought to decimate it any further. Ludwig never complained to Doane when he left the institution; he came to Boston, and took his gratuitous ticket for his home and never opened his head, either at the institution or at the office below, that he had been defrauded out of any money.

In the case of Johnson the facts are even more remarkable. He went to the city hospital—he was the man who had his legs cut off—in Boston, and remained there sometime before he ever called for his money. He went to the hospital to have an amputation performed before he ever called for his money. He called for it from time to time at the institution, generally through a nurse whose name was given; Charles Marsh said he did not see him: the entry was in Charles Marsh's handwriting. Now, after Charles Marsh so testified, why did they not produce the nurse to see whether it is true? The evidence has been met, and nothing has been said in reply except that there was a stain found. No claim was made that any misappropriation of money had taken place until this investigation began. Why wasn't some person put on besides Johnson and Ludwig?

Gov. BUTLER. The stain was there, but it was made legible.

Mr. BROWN. And your expert said there was another stain, and in another case the original entry was less than the one you said existed; it had been written over it showing that Mr. Marsh had given the man a dollar when he made the change, if he did it for a purpose.

Now, why, out of 3,600 persons, scattered about this Commonwealth and throughout the country, is not some one else brought here? Don't they know of this proceeding? Is there anybody on the face of this earth that hasn't heard of it? Two persons only out of 3,600 come here to make complaint.

Again, it is said that this institution is mismanaged, because the law in regard to the disposition of the dead has been violated. We are told that the manner in which we have done this business is illegal. What is the evidence of it? Let us see. We have had a law on the statute books since 1814 in regard to this subject. In that year the legislature passed a law which in substance prohibited the removal or carrying away of anybody without authority of the board of health, and under that inhibition it was understood that no body could be used or taken for anatomical purposes.

From 1814 to 1830, sixteen years, the great necessities of

the medical profession, the great benefit to the sick, the benevolent advantage which education derived and acquired from the dissecting-room would give to the profession, were fully discussed, and in 1830 the legislature of Massachusetts passed its first law upon the subject, which provided that bodies which required to be buried at the public expense, and strangers and travellers unidentified, might be, by the board of health, overseers of the poor, selectmen of towns, &c., delivered to physicians, medical schools, &c., for the promotion of anatomical science. All that was required was, that this business should be so conducted as not to offend public sentiment. That law remained upon the statute book until 1834, when it was modified so that a person who should ask, during his last sickness, that his body be buried, could not be used for anatomical purposes. Then, in 1845, the law was again changed. In 1855 another change was made, one year, mark you, after the establishment of this institution — by which there was inserted the provision that the superintendent of the *state almshouse* may do this, he not having been previously included, there having been no occasion to include him in previous legislation. That law was continued until 1881, when there was considerable discussion about it, and it was finally re-enacted and embodied in the Public Statutes.

This is not a new matter in Massachusetts. The tanning of human skins isn't new in Massachusetts. It is done all over this country and all over the world. Anybody who visited the Centennial Exhibition could have found many specimens of human skins tanned and worked into valises, &c. I believe the largest exhibition came from Germany.

Gov. BUTLER. Wasn't it France?

Mr. BROWN. Possibly. The following States of this Union have enacted the Massachusetts law almost word for word: New Hampshire, Connecticut, New York, Pennsylvania, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Missouri, Iowa, Arkansas, Kansas, Colorado, California and Oregon. Bodies of convicts only may be dissected in Maine, New Jersey, Maryland, Alabama, Tennessee, Nebraska. In Vermont any man may, who can get a body anywhere lawfully, by gift or in any other way, can use it just as he sees fit; there isn't any prohibition whatever. In all the other States of the Union there is an entire absence of legislation, and what is done I am not advised.

There is no doubt that these bodies were delivered to Harvard and other medical colleges, and there is no doubt but that bonds were given by these institutions. Whether the bonds were sufficient, whether His Excellency, with all his ability as a lawyer, could not find some flaw in one of those bonds, isn't a question which you are to consider. If the people of this Commonwealth intend to devote to anatomical uses the bodies of the dead who are unknown, who do not when living request burial, — if they do not intend to devote such bodies to the interest of science for the benefit of the race, I think that this committee, finding that these people acted in good faith, will give them credit for it; and that is all we ask. But when His Excellency stands here and says that every man who has had to do with this business is liable to indictment; that he is going to see that the law is executed, and then tells this committee that if a man does furnish it will do him no harm, the proposition is absurd: it hardly seems possible it could have been made at the time it was made, except for the purpose of gaining some temporary advantage.

Now, then, the Chases, John and Joseph his son, the first on page 25 and the second on page 256, have testified in regard to the manner in which this business was done. Read the testimony of John Henry carefully, and beyond the single statement that in one coffin there was a billet of wood where a child had gone for dissection, you cannot find a syllable which can be interpreted in any way so that a reasonable person could take offence. He tells you that he dug up two bodies, and two only, during all the time he was there, which were sent away; but he doesn't tell you they were sent to Harvard College; not at all. Not a word was said about their going to Harvard College; and it did appear that many were taken up and delivered to friends.

There was something singular about that case of Parks. That grave had a cross at the head of it, on which was written legibly, Joseph Parks, October 4, 1879; perfectly plain, and Chase put it there; he said it was in his handwriting. Mr. Innis testified simply to the matter of opening the grave of Parks; and yet, the day before Innis went there, Chase went up to find the grave, and notwithstanding he found it, and the cross was there, he went to a tree and cut off a twig and stuck it in the grave, so that he would know it when he came again. Why, you would naturally ask, if the cross was there and the grave marked with a name, why put down a twig? Perhaps he

was so drunk that he could not read the name, but could feel a twig. And then the next day, after having marked the grave, he took Mr. Innis up there, and they opened and found that coffin, which, I understand, has since contributed to the warming of the executive department.

Mrs. Manning, a peculiar, old-maidish sort of a woman, testified in her peculiar way. She was a good deal disturbed; she had never met His Excellency before, and didn't know how genial he was when you get at him, and, consequently, she was a good deal discomfited. With that exception, she appeared to be an excellent woman. She was honest enough to say she was carrying on the business, although she didn't know what was in the coffin.

Now, Mr. Hall. I want to call your attention to one subject in connection with Mr. Hall and Mr. Chase. The two Chases and Hall corroborate all the witnesses in regard to the Harvard medical college. Chase says he never knew but one or two babies to be sent to the Harvard Medical School. Mr. Hall says that none were sent, except during the last part of the time when he was at the institution. Then he testifies in regard to the money he received for his labor, and there was an insinuation about that receipt which he gave; he denied first the amount of money, and then afterwards corrected himself. There was an insinuation that the receipt was written in three different kinds of ink, which turned out to be false, like all the other insinuations we have had.

This whole business, gentlemen, was the subject of investigation by the board of trustees. In September, 1882, the trustees called upon Mr. Marsh, Jr., who had been charged with this work from the 1st of October, 1873. They had consulted with him from time to time, but then they called upon him for a specific report in writing covering the whole business. He had kept memoranda in certain books, which contained the register number and name of the person, the date of his death, and where the body was sent. Mr. Nourse having received that —

Gov. BUTLER. I must object to that. There is no such testimony.

Mr. BROWN. I beg pardon. You will find it in the testimony of Mr. Nourse, who said he took those books in the presence of the four trustees, examined and corrected them by the record which Marsh had made; and the record of the trustees shows that on the 25th of January, 1883, that report

had been received from Thomas J. Marsh, Jr., and by them was placed on file. I offered the report; put it into the hands of His Excellency, who examined it and afterwards objected to its being in evidence; but the committee voted that it should go into the hands of the chairman, where it now remains, and any time His Excellency wants it published it can be done. I do not object to it, nor do my clients object to its publication, nor to any other use you want to make of it. But Mr. Marsh refused to produce the books. I offered him as a witness after his refusal, and His Excellency objected, because he said he was in contempt; the committee sustained the objection, and suspended the matter until it was too late, so he did not testify. And that remarkable cross-examination, which for four months we have been told would take place if Tom Marsh went on the stand, did not take place. The play was played, but there was no Hamlet. The whole conduct of Mr. Marsh, Jr., has been reviewed by the trustees, and has never been impeached — there is not a syllable of evidence to impeach it, nor can it be impeached on this evidence, because I know His Excellency, whatever he may say about it, took great care not to ask any witness the number of bodies delivered from October 1st, 1873, to October 1st, 1882. When Dr. Talbot was on the stand he testified that all they had was 148, but he wasn't asked how many of the 148 were received prior to the first day of October, 1882; and yet His Excellency claimed he wanted to get all the data for the purpose of verifying this account. He may claim on some evidence that there were 585 bodies delivered. There is no doubt about it. I think the record of March 23, 1880, shows that on that day Thomas J. Marsh, Jr., made a supplemental report, which was received and placed on file, covering the bodies delivered from the 1st of October, 1882, up to that time. That wasn't any part of the 585, nor did His Excellency ever ask for it, but he may have it if he asks for it; it is in the hands of the chairman, or if not it will be. His Excellency never intended to examine Thomas J. Marsh, Jr., — never. I think His Excellency's great ability, and that most remarkable ingenuity for which he has had the reputation for being the chief for 40 years, was never better shown than when he beguiled this committee, or the majority of them, into the notion that a man who has never been summoned as a witness may be in contempt, because he doesn't do what the committee have ordered him to do. The proposition was so

absurd that only 40 odd Democrats out of the 90 odd in the House sustained it. There wasn't 50 per cent. of His Excellency's own party who could see anything in it. The people are very apt to come to the same conclusion when they think alike concerning the Republic. His Excellency laughs; he ought to; he played the most consummate joke on the majority of this committee that was ever perpetrated within my knowledge, and it was all because he didn't dare to face Thomas J. Marsh, Jr.,— nothing else.

Well, now, who is Thomas J. Marsh, Jr.? His Excellency has taken care to say a great many times that he has been reported as a licentious person; that he has been doing this, and that, and the other. Any evidence of it? Not a bit. Why, in 1876, an officer of the board of charities addressed a long epistle—I think the governor will agree with me when I say that officer had a great liking for long epistles—to the gentleman who then occupied the chair of His Excellency, preferring certain charges against Thomas J. Marsh, Jr., not of his own knowledge, but he mentioned three prostitutes who had so reported. The inspectors or trustees investigated and made a report, that letter having been referred to them by the governor. They made a report to the governor denying the whole thing; they said, in substance, there was no evidence of the truth of the charge; and the governor reported back that that was very satisfactory. Gentlemen, you are not going to sit here and say Gov. Rice is not a careful man. He certainly enjoys the reputation of being a good, successful business man. You are not going to sit here and say he whitewashed that matter. But His Excellency finds fault because the trustees didn't spend more time in the investigation. Why should they? Why, if one of His Excellency's trusted clerks down below should be charged by three strumpets with being a licentious person, that clerk having been in his employ fifteen years and he having almost absolute confidence in him, the first thing His Excellency would do, if they were within reach, would be to kick them out of doors; he wouldn't spend the time those trustees did investigating the complaint against Mr. Marsh.

Then something has been said about an empty coffin, and we have accounted for that. In the name of reason what should the superintendent of this almshouse do with a rough coffin which had lain in the grave for a longer or shorter period and contained a human body, when the friends came for it? Is the

Commonwealth so economical that it requires its officer to purify that box and use it again? Or must it be taken, in the interest of *economy and reform*, to be burned as firewood? Or is it the sensible and proper and natural thing which a man would do to put it back in the grave, as two or three witnesses said was done. There has been no contradiction of it, not a syllable. Mr. Chairman, I challenge any member of the committee to put his finger on a single instance where a body which went into a grave was taken up and sent to a medical school. The only approach to it was the case of Parks, testified to by Mr. Chase. I had but one witness who could meet the case of Parks, and that was Thomas Marsh, Jr., and you know the history of that transaction, how it was not permitted him to testify. With the exception of Parks, not a single other body ever went into a grave and came out and went to a medical school.

But Chase was discharged for drunkenness and disobedience. Marsh had known him as a boy in the Sabbath school, took pity on him although he knew he was an intemperate man, and tried him. After a while he got drunk and was reprimanded. Then the old man Marsh used his influence with the trustees to have him retained, but the second and third time he got so intoxicated that he could not attend to his business. They had to discharge him, and from that time to the present his mouth has been filled with slander, and his stomach a good portion of the time with rum. It was pretty well filled when he was on the witness-stand.

Thomas J. Marsh, Jr., has been in the employ of that board for twenty-two years. — sixteen years when this thing took place. Mr. Nourse and all the other officers of the institution had the most implicit confidence in him. When this communication came, in which three notorious prostitutes, who were named, were stated to have made charges against him, they went to him and consulted with him; they found from his appearance and his surroundings (living with his wife and family), that there was not the slightest foundation for the charge, and they so reported; and the officer who made that complaint, for these seven years has been absolutely silent; has never reiterated the charge, or intimated to anybody that that the report was not satisfactory. Has he? He probably, from the sense of honor with which he is known to be possessed, felt ashamed; and that accounts for the fact that for a series of

years he has co-operated with the Marsh family in the management of this institution. That is all there is against Thomas J. Marsh, Jr.; everything. And yet he has been slandered here without the slightest scintilla of evidence. No inmate, no attendant, no officer, no outsider ever called to cast one single breath on his character; not one. I challenge you to point your finger to a syllable of such evidence, except what is contained in that letter and the reply; not one.

I need not say, Mr. Chairman, that in the prosecution of this defence I have been obliged to invoke assistance. I believe that His Excellency has had at his command some ten or twelve police officers under pay of the Commonwealth. I have yet to know that Mr. Moses Sargent, who is a citizen of this Commonwealth and has been for years, a man well known in the public service of our great banking institutions as a most successful and trustworthy officer, has done anything which has not been strictly in accordance with his duty, in the interest of the prosecution of this defence, upon the principle which I announced at the outside, that everything known to us would be unfolded. He went to Mrs Warner undoubtedly; I admit it. When he found that Mrs. Warner would lie to the extent of saying that a child, which wasn't in the institution a day, had been there fourteen days, he did tell her he didn't want anything to do with her. As an honest man he could not do anything else.

There is one subject to which I want to call the attention of this committee, and that is the matter of these old clothes. Why, two of the governor's witnesses — the two clothes-dealers, — testified that the clothes they bought of the women were the clothes of the women of the family, — nobody's else. Disappointed His Excellency was in that, I have no doubt. Then Miss Pope says she saw Mrs. Marsh in the baggage-room. Mrs. Thomas says she saw Mrs. Marsh in the baggage-room with an armful of clothing. Well, what of it? Mrs. Marsh was the matron; she had a right to be everywhere. We met that as carefully and fairly as could possibly be asked of us. But you say a box that went to Exeter. This man Manning was on his death-bed. You will see at the very time he has had that door drawn to look through the crevice in the partition wall, there wasn't any door from that corridor into the vestibule into which he took that box. I think the committee have in their minds a little sketch made upon white paper, upon which Mr. Dudley put his

initials, that showed where he left it. In order to get that box through that door it must go through a solid partition. Where is the crevice? Where is Carrigan, who searched all the depots, ransacked all the files of the Boston & Maine and Lowell roads?

Gov. BUTLER. I must object. So far as I am concerned I don't care; but I do not like to have any man abused here who has nothing to do with it. You may say what you please of me.

Mr. BROWN. I will change it: All the files were accessible to you and Mr. Innis, and you haven't brought in a receipt; and you haven't brought in anything except the mere pittance of personal furniture and the barrels of apples.

The CHAIRMAN. Two barrels; let's have it right.

Mr. BROWN. Two barrels; and those apples grew in a year when apples were worthless, and the trustees said Mr. Marsh might send off those barrels.

The old-clothes business is simply ridiculous. Because it is true that all these things went away from Tewksbury to other places, His Excellency had all the files and receipts of the railroad and express companies examined, and none were brought in here except those referred to.

There is one other subject to which I want to refer and then I propose to close. The old gentleman Marsh, whom His Excellency says is honest, he has administered this institution for 25 years, handling two millions of dollars, superintending the erection of all these buildings except the main one, built in 1854; he has dealt in the matter of permanent supplies, including clothing, with 6,137 purchasers; he has made purchases of food aggregating over half a million dollars; these parties are within the reach of His Excellency's subpoena, yet not one comes here. The firm of Bangs & Horton say they made a mistake in charging to Marsh personally the coal that went to the institution. It was paid with the superintendent's check, but the testimony is uncontradicted that it went to the institution.

But they say Marsh supported his family at Exeter. He helped them. I wonder if a man hasn't a right to help his daughter and grandchildren. Anybody deny that? But what evidence is there that a single penny of the Commonwealth's money went to the support of that family? I leave Mr. Marsh with that reputation which this committee and this community will accord to him after 25 years of public service, during which no man in the Commonwealth so carefully and so fully ap-

preciated the exigencies of a great institution, and the needs of the deserving poor placed under his charge.

Now, gentlemen, I want, in the few minutes left to me, —

Gov. BUTLER. You haven't any left by my watch.

Mr. BROWN. I have by my watch. You cannot cut me off.

The CHAIRMAN. Seven minutes.

Gov. BUTLER. I don't mean to. You may go as long as you mean to.

Mr. BROWN. There is one other subject I want to call attention to. His Excellency began years ago to assault this institution; for what purpose I know not; and if I knew I should not mention it. His Excellency says he can run this institution for fifty or seventy thousand dollars. God save the Commonwealth of Massachusetts and its poor.

This institution has never been properly supported by the people of this Commonwealth. Why the people who were born, or descended from those who once lived in Ireland, who fled from the misery and tyranny of the rule of Great Britain, who thronged this institution and made more than fifty per cent. of its inmates, should ever stand up in any public place and say that this institution is too prodigally supported, is something I cannot understand. This institution needs \$25,000 a year more than it has ever had. This year you appropriated \$90,000. The first six months found you having spent nearly \$44,000 of that amount, and during the last two months of that six, the expenditure was vastly in excess of either of the previous four months, and on the 1st of July the amount of unpaid bills exceeded several thousand as you can learn by going to the auditor's office. So that had the account been squared on the first day of July it would have been seen that the amount expended at the institution during the first six months of the year would have been considerably in excess of the appropriation.

I am permitted to read and desire to make as a part of this argument a portion of a private letter, which aptly sets out the necessities of this institution.

Mrs. Leonard says: —

"The room for storage is inadequate and primitive in an absurd degree; the storehouse, too, is like the poorest kind of country grocery, very different from the convenient rooms with shelves, cup-

boards, etc., in all our other institutions; meals are sent round the large quadrangle in tin pails, borne by decrepit old men, when a little tramway and cars are used in the State hospital, with elevators when needed. Trees should be planted, turf substituted for cobblestones in the yard; most of all, hospital kitchens, rooms for isolating delirium tremens and infectious classes; in short, various hospital appliances, easy and wheeled chairs, sofas of some cheap sort, both in the hospitals and insane departments. A feeble, sick person must now be in bed all the time or sit up on a hard wooden chair. I was pained to see the suffering caused by want of change of position to the sick. In our lunatic hospitals all sorts of comforts are at hand for the sick and dying. Tewksbury has only a straw bed, coarse and clean, it is true, and the cheapest wooden chairs. And this is because the State makes too small an appropriation; \$10,000 ought to be spent there in making room for stores, railway, hospital kitchen, easier seats for sick, old and insane. And these things are not luxurious, but necessities to the care of the infirm. Many sick and lame would recover faster if able to take the air in wheeled chairs. The attendants (female) are first-class now, but too few. Male attendance is now good, but too few also. The accommodations of food and lodging for officers and attendants is plain and reasonably comfortable, no more. Respectable people would not work anywhere for less comfort. Captain Marsh's table has plain, well-cooked fare, not by any means such fare as our more prosperous classes are accustomed to have, but good enough and neatly served. I think Mrs. Marsh is an excellent housekeeper even now at her age. The furniture, too, is plain and comfortable, no more."

Mr. Chairman, if the people of this Commonwealth understand what this institution is, and the manner in which its character has been changed since it was first organized, the manner in which it has been changed since 1862, they will very soon realize that the necessities of this institution will require that this legislature, or some other in the immediate future, shall. — not dictated by party policy, but from pure, disinterested, benevolent motives. — take and expend on it in the various ways indicated by Mrs. Leonard, every dollar which she has there named, and not until that is done will there ever cease to be the same agitation, the same discussion, and the same complaint and fault-finding, limited though it may be in degree, which have existed here, and perhaps for a series of years have had some foundation.

Massachusetts will then continue to remain in the position which she has always occupied, celebrated all over the world for

the administration of her public charitable institutions and for the spirit of benevolence which everywhere animates her people.

I thank the committee for their attention.

The CHAIRMAN. Two o'clock, Governor?

Gov. BUTLER. Will the committee proceed promptly at 2 o'clock?

The CHAIRMAN. I think they will.

A recess was taken till 2 P.M.

SIXTY-SIXTH HEARING.

FRIDAY, P.M., July 13.

The committee met in the Green Room at two o'clock, Senator LORING of Worcester in the chair.

THE CHAIRMAN. The chair will make the same request which was made this forenoon, that all present will absolutely abstain from any demonstration of applause, and, especially, of disapprobation. The time will come out of the speaker.

Gov. BUTLER. I am not afraid of that.

THE CHAIRMAN. Well, now, we will call it five minutes past two, Governor.

Gov. BUTLER. Will you allow me to make a single remark?

THE CHAIRMAN. Certainly, Governor.

Gov. BUTLER. My time is limited and, therefore, any demonstration of applause will only limit me so much more, and I beg any friends of mine that I have got here, not to applaud. We will take the applause about four months hence. [Applause.] Now you are violating my request at the very beginning.

THE CHAIRMAN. The chair will add to the remarks of the Governor that the doorkeepers will execute the order of the committee, and anybody who is found applauding, unless the committee otherwise order, will be summarily ejected from the room. Now, Governor.

CLOSING ARGUMENT BY GOV. BUTLER.

May it please you, Mr. Chairman and Gentlemen of the Committee: I am not of counsel in this case. I occupy a different position. If I were in the position of counsel, I would be permitted to say many things that, perhaps, in my position, I sha'n't feel myself called upon to say. The arguments of counsel to a tribunal are only valuable in so far

as they bring to the attention of that tribunal such absolute facts and matters of evidence as should bear upon the question at issue. And if counsel depart from that, then their remarks become worse than useless. Counsel rarely, if ever, do that, and in this case, while I pardon much to the counsel for the defence, yet, if I can show you that his clients have misled him and that he has been by their instruction obliged, felt himself obliged, to put before you absolute untruths, why, then, you will know what amount of allowance to make for the rest of his argument. The counsel has made a very severe attack upon a very respectable lady, Mrs. Warner, long engaged in benevolent work, and who has come here and told the exact truth. He was misled into that by the instruction of one of the Marshes. This was it: Mrs. Warner testified that the State authorities gave her charge of a child by the name of Willie Marshall; that, having been under that charge, having been given that charge, and that Willie Marshall being a child of tender age, she nursed it and boarded it, as well as she could, under the instructions, under the permission of the board of state charities, and it was then put into Tewksbury, kept there fourteen days, without her knowledge; she followed it and took it out from Tewksbury; that when she took it out from Tewksbury,—that when she put it into Tewksbury, or when it went into Tewksbury and while it had been under her charge for from about four months previous, the child was an absolutely healthy child,—when it came out of Tewksbury, its eyes were running sores from syphilitic infection, caught in the institution. But, by kind care and management and nursing, the child lived, and is now alive, except that it has lost its eyebrows. If she has foisted that story upon the committee she don't deserve any place on earth; and the counsel told you that she had done so, and his client, sitting behind him, pointed to the registry of what was called "an improvident entry," and says that it was an entry that was made in order to give her charge of the child, and the child was never at Tewksbury at all, and that she lied. I hold in my hand volume 27 of the Tewksbury records, and that will show you that Willie Marshall first went to Tewksbury,—didn't go to Tewksbury,—was first entered on the Tewksbury records on the fourteenth of June, and, then, in Boston, put into the hands of Mrs. Warner, and that again,—now, I will read from the record, under No. 53,661, "Marshall, Willis, two years old, from Boston, Oct. 3, 1877; entered." And some initials, which

I don't know, but, "Boston, July 8, 1875"; that being the date, I suppose, of the birth, "B," born, — "two years old; Hannah Eliza" was the mother; Hannah Eliza somebody. Then it goes on, after giving the history of it, "two years of age." Then I turn to the record and find "No. 53,661; Willie Marshall, two years old. birthplace unknown, well; discharged October 17, 1877; left," being a foundling, "at 103 Kendall Street." So that the record exactly confirms Mrs. Warner; and, yet, only a partial record was put before you, and on that was not only this good woman accused of being a liar, but Mr. Moses Sargent, — it is said that Mr. Moses Sargent, when he first went down to talk with her, having found out she was a liar, didn't want anything more of her. How widely the counsel's clients misled him, "*Ex.*" — I was about to quote Latin, sir, — but, from one learn all. I don't think he meant it, but I do think his client meant it. At least, his client, knowing better, sat still here and allowed this woman's character to be slandered in the presence of the Commonwealth. I have sent for the record downstairs with this result.

Now, gentlemen, what is this institution? This institution was founded under a law of '52, receiving its first patients in '54, for the purpose of taking care of all State paupers, that is, those born of parents not having any settlement in this State; and, as you know, it requires a certain term of residence in this State, or paying certain taxes, which would be both, to get a residence. And the counsel, thereupon, thinks it is very remarkable that a large percentage of aliens should be found in the institution. Why, the institution was not made for any others except those who were aliens in the Commonwealth. No others could get there, except there was a cheat somewhere. And he argues strongly upon that. It was an institution where all those who were infirm and poor, should have a home, a house of refuge. Now, the question before you is whether that has been a proper house of refuge, so conducted and so carried on that you will sustain it by your report, and the legislature ought to say that there is no further improvements wanted upon its management or its conduct.

Now, then, I come to another part of this matter. This institution was under Captain Marsh, — although why he is called captain don't appear; certainly it was not for any service in any war that was ever heard of, — it was under Capt. Thomas J. Marsh from 1858 down to, for twenty-five years, last June, and under

the control of his family. The first years, from 1858 to 1873, while there were some complaints, yet there was no actual official complaint; but, in 1873, the board of state charities, whose place is now taken by the board of lunacy and charity, made an official complaint to Governor Washburn, of which I shall speak more at length hereafter; but no investigation followed. They renewed that complaint to Gov. Talbot, whose home was within a half-dozen miles of this institution; no investigation followed. They renewed the complaint in '76 to Gov. Rice, and he went up there. From that no investigation followed. He tells you that he didn't visit it to investigate it, he only went up to look at the institution, and he was careful to see that the pots, and pans, and glasses, and crockery-ware was all clean, and they had clean dish-cloths, and he came away. Isn't that exactly what he told you? After he came away he sent up the very grave charges that were made to the board of trustees to investigate. To that I will refer by and by. Meanwhile, certain specific charges, not amounting to a very great deal, not of the board of state charities at all, but of Mr. Sanborn, its secretary, were brought before the legislature in the winter of '76. And they were heard. I said they didn't amount to very much, because they were, substantially, that the ventilation was not good, and that the cleanliness wasn't very good, and that one man, an officer in the institution of low grade, had got some pauper with child. That was investigated, and the committee and Mr. Sanborn got into such a row over that investigation that the sergeant-at-arms was called to part them, and no special result came from that. "*Ex*",—there goes the Latin again,—from nothing, nothing comes. Complaints multiplied; things were going wrong, or supposed to go wrong; an unwillingness was found all over the State for paupers to go there. The grand jury of Suffolk undertook to investigate one branch of it, and they called before them Dr. Dixwell and examined him, supposing they had jurisdiction,—because it was a question of infant bodies at Harvard College, in Boston, and I suppose there was some idea that they thereby got jurisdiction,—but any proper district attorney would tell them that was not the place to give them jurisdiction; it must be investigated in Middlesex. And that investigation came to nothing.

And here is the thing to which I want to call your attention just here, that Dr. Dixwell went before that grand jury and swore precisely as he did here; went on a summons, told the

same story, and nobody says that any signs of insanity or anything attached to him at that time, not even queerness in dress.

That was published in the newspapers. The next thing that happened, was that in the course of certain campaign speeches the question of the administration of this almshouse came into controversy, or came into notice, and very many things were said on the one side and on the other. No investigation followed. In the meantime, the expenditures of the almshouse, as your records show, were running up year by year. When the governor of the Commonwealth delivered his inaugural address, he stated these scandals, taken from the records, and, in order that he might not go too far, he said, "Hasn't this testimony been before a grand jury and not denied?" That address was delivered on the fourth of January. You were told here by the counsel that an indignant people rose and demanded an investigation. The way investigations are usually demanded by an indignant people is by petitions asking for it. The Commonwealth was slandered! an indignant people rose up and you had to investigate! That was the story told you this morning. Any petition of that sort on your files? If there is I have not seen it; I have never known of it. The indignant people have kept their indignation with a great deal of patience, so far as anything on your record is concerned. For some reasons, I must suppose good ones, the investigation was put off until,—nothing was done about it until the twenty-sixth or seventh of March, almost three months after what the counsel has been pleased to term the "charges" were made.

The first thing I heard of the investigation was when a portion of your committee called upon me and asked me if I would appear before the legislature, or legislative committee, and put in such evidence as I had; and that appears upon your records, I suppose. I replied that I didn't know any precedent for it, I doubted whether I ought to, but I would examine the precedents and look the thing over and send you a written communication telling you my determination; and, on the next morning, I sent the committee a written communication, in which I said: "I have come to the conclusion, in answer to your invitation, to go before you and put in such evidence as I have in the investigation, to take part in it, and I wish you would send me twenty subpoenas to subpoena witnesses." I then saw, Mr. Chairman, a larger delegation of your committee, and they came to me and said, "Well, you misunderstood us, Governor; we didn't in-

vite you to come." "Well," said I, somewhat irreverently, "what in the devil were you here for the other day?"—because I am a little quick, sometimes. "If you didn't want me, what did you come to me for? If you did want me, I understood you so, but don't let us have any mistake about it,"—and I had a shorthand reporter to take down all this, so that there might be no mistake, and happened to have one of the higher officers of the government present who heard all of it,—I said, "Well, now, let us have no mistake now. If you want me, say so, and I will come; and if you don't want me, say so, and I won't come. But I give you fair notice that you may investigate without me, but I shall rake after the cart, and it is the business of the man who rakes after the cart to gather up the loose straws." And the committee said they wanted me to come, and I came; and here I am at the end of months. So that I don't want any man to say this was a volunteer on my part, nor do I want any man to say that I sought any investigation. I neither sought it nor shunned it. I did what I believed to be my duty under my responsibility to my God, my conscience, and the people of the Commonwealth.

Now, then, we got together and began to investigate. And we have investigated, as well as we could, laboring under difficulties, for many months. Will you allow me to say, here, Mr. Chairman, that it is not my fault that the investigation didn't begin sooner. If you had begun as soon as you were appointed, why, then we should have had cooler weather to finish this hearing in than we have now, even if we were up at the top of the little hillocks at Haverhill, where cool air blows. There is one thing I have a right to say to the committee and say for them. They have worked as a committee with unexampled diligence. That, I bear my full testimony to. Now and then a man absent on the one side and on the other, but always a quorum here within some ten minutes of the time, and working all the time they could devote to it, and I could devote to it. Whatever may be the result of this investigation, so much I have a right to say; I ought to say.

Now, then, what has been the administration,—having got through with all the arguments that were addressed to you for half an hour to my prejudice by the counsel,—let us come directly to the work in hand. The administration of this institution for a quarter of a century has been wrong in principle, because this institution was put in charge of one family during

this whole time; sometimes having officers to the number of seven,—grandfather, mother, children and grandchildren,—and as fast as one got old enough to chip the shell, it came into this administration. Now, nothing, nothing in the world can be right under such a principle of administration. The family becomes a clique within itself; and, I am not now speaking of the Marshes; but I am speaking of human nature; the family becomes a clique within itself; they protect each other, and they turn out everybody that makes any complaint against what is done. That is of necessity, however good they may be. That principle of administration is all wrong.

There is another thing wrong about it. All the trustees, so far as we know of them, except the two estimable ladies whom we neither have heard anything of nor seen anything of in this investigation, who have lately been put on, were interested in the results of this administration. Spalding of Tewksbury, one of the trustees, was, way back in last March, accused here by his clergyman of having said that he would not give the time to this institution except that he made money enough out of it in supplying contracts to make up for the time. Now, Spalding is within twenty-six miles of here, in full health and strength. Why should not we have looked upon his face. Wouldn't somebody have desired to have looked upon that man's face? I wasn't going to call such a rascal as that; not I. If he is not the rascal his clergyman said he was, why hasn't he been here to defend himself?

Again: Mr. Nourse, one other of the trustees, was the purchasing agent of the Lowell Railroad, and he was the man to make all the purchases of the coal, as committeeman. And all that coal, although there was a competing road, all went over the Lowell road. Perhaps his place as purchasing agent depended upon that. He never went near the Boston and Maine road all these years, over twenty years, to ask for any competing rates.

I want to say to the official reporters that I don't care for their reporting my argument at all; I don't want it printed at the expense of the State.

The CHAIRMAN. We desire to print both the arguments.

Gov. BUTLER. Everybody has a right to report it, but not at my request. I intend to print it myself. I asked the legislature to print copies of my address and they have refused; and I don't care to be under any obligations to them hereafter.

The CHAIRMAN. We will pay the expense of this.

Gov. BUTLER. I have got my own reporters, — not that I mean the slightest imputation upon the gentlemen reporters at all.

Now, then, it is a little matter, but straws will show which way the wind blows, — Mr. Nourse for sixteen years, upon his oath, has been furnished with chickens. A very small matter, and if he had come here before this committee and said, “ Yes, every fall Mr. Marsh sent me around a few chickens for Thanksgiving, as a matter of courtesy, and I eat them and thought I was doing all right,” why, nobody would have had a right to say one word. I should not; nothing could be said to that. That was the minimus, one of the small matters the law don’t look after. But, before this investigation took place, after you were appointed, on the seventh of March, he went to Charles Marsh and paid for those chickens that he had had for sixteen years. He was not under any legal obligation to do it, because they were outlawed if he had ever been under any. But it shew where the conscience was; he felt he was guilty; that there was something wrong about it. He had had them and never paid for them and never intended to pay for them, and never would have paid for them,—there isn’t a man of you that don’t know that, — if it hadn’t been for the appointment of the committee. Charles Marsh took a leaf out of Mr. Nourse’s book. He had been feeding his chickens, always, out of the Commonwealth’s meal, ever since he had any, and selling the eggs to the Commonwealth at a high price, and after this investigation commenced he went and paid for that. That had been going on for years.

The other trustee, Mr. Elliot, was interested in the milk contracts and wouldn’t let the milk go to the lowest bidder; and he don’t appear here, either, although he is alive and well, or was the last I heard of him.

Now, this administration is wrong in principle. Mr. Elliot has been over that institution every year, every month in every year, for twenty years. He knows more about it than anybody else; he had investigated these cases. Why isn’t he here? There has been a continual suppression of evidence on the other side. We were told with the most bellowing enunciation, that they were going to turn this institution inside out. Yes; but they have only showed us the outside. Now, this has been the course of administration, — nepotism to the last degree.

Now, a moment, before we go to Thomas J. Marsh, to whom certain classes of newspapers have been singing pæans of glory. Mr. Thomas J. Marsh was a shoemaker down in Exeter at the time I was there at school in 1827. My acquaintance with him is an old one. He came from there to Lynn, a very respectable shoemaker, I guess, I don't know anything to the contrary, and he ought to have stuck to that business. He came to Lynn. The next we hear of him he is a clerk in a grocery store. He quit that. Then, carrying on a little business by himself; he quit that. Then he got an appointment to the post-office; he quit that. Then he got a place in the custom house; he quit that. I am speaking by the record. He then got elected, in that spasm of virtue called the Knownothing party, treasurer of the Commonwealth. What a man to pick out for the treasurer of this Commonwealth! Now, heretofore, all our treasurers, to the honor of the Commonwealth be it said, have held their offices during the full five years that the Constitution will permit, except there has been a change of party, but, for some reason, Mr. Marsh was too great a load for the Knownothing party, even, and they carried some awful ones, and he was dropped at the end of the first year. He then undertook a little shoe business down here at the West End, and he failed in that. He then went to Waltham and didn't have any business; but he was lucky enough to be a townsman of Major General Banks, who had been a Knownothing with him, and he appointed him to this institution in place of Mr. Meserve. Up to that time, so far as the record is concerned, no troubles were heard of at the institution; and, for the first two or three years, no troubles were heard of at this institution; it was well conducted by Mr. Marsh; his boys hadn't grown up, then; they were in college, some of them; economically conducted. They had as many inmates in 1862 as they have now,—and one or two more, a few more, as your record will show,—a little over 900. And that institution was conducted that year, so far as its running expenses, everything was concerned, for \$47,000,—with just the number of inmates they have now, with one or two more; \$7,000 for salaries, and \$41,000 or \$42,000 only for food. Now you have appropriated ninety-odd thousand dollars; \$20,000 for salaries,—\$93,000,—\$20,000 for salaries and \$73,000 for expenses. And the counsel tells you, which is not in the record and I am not responsible for it,—but he tells you that you are considerably over forty-odd thousand the first of June, and there

are a large number of outstanding bills amounting to thousands yet ; so, there is going to be a deficiency, if he is right.

Now, let us follow Mr. Marsh a little further. Mr. Marsh was a poor man ; not a word to be said against him on that account. He was unfortunately situated. He had an elderly father to maintain, and a mother, and he maintained them well, and for that he has my tribute. He had two married daughters, and they were both unfortunate in their husbands, and he had them substantially to maintain. He had two or three sons — four sons — and he had them to maintain. And, then, these daughters, being pretty well along in years, began to have children of their own ; had children of their own. Now, then, he had \$1,200 a year, \$1,500 a year, and \$1,800 a year. He brought all these men, — all his own sons, with one exception, — all of them up to school in Exeter, and three of them, as I remember it, at Harvard. Exeter is one of the most expensive schools, nowadays, in New England, and Harvard's reputation I need not speak of in that regard. And he maintained all these people. If you will tell me how a man can do that on \$1,800 a year, at the outside, I will beg Mr. Marsh's pardon ; and if you can't tell me, you must beg mine. Not only that, he sent all the girls down here ; kept them for two years up at the poorhouse, and sent them down here to take music lessons. One went to the homœopathic college, and so on. Well, now, that can't be done on his salary. He hasn't taken a dollar from the institution, they say. Where did he get it. Judge ye.

Now, then, the first thing I have to deal with, is the erasures, the peculations of officers. The trustees I have spoken of ; Charles Marsh I have spoken of. As long ago as 1876, there was a claim gravely put forward by the board of state charities, — not by Mr. Sanborn ; Mr. Sanborn was only the man who wrote the letter, — the board of state charities, officially put forward, that Mrs. Marsh was stealing the inmates' clothing ; and that has been followed from that day to this. That complaint was never investigated. All that was done, the trustees asked the old gentlemen if she was, and he said she was not. They never even asked Mrs. Marsh. They never asked Mrs. Marsh ; and nobody here, under that very grave accusation, asks Mrs. Marsh. They have put in that Mrs. Leonard thinks she has got all her faculties, and is a good housekeeper. Well, if she is a good housekeeper, she would make a good witness, if she can stretch her conscience far enough to deny these charges. This

is what they call turning this institution inside out. Seven years that charge has been against that old lady—that old woman—and no man has investigated it. And her husband and her children, with the odor of Harvard about them, never has called for an investigation. Isn't that wonderful.

Now, then, in the first place, Mr. Barker came and gave some testimony here; and he has been very severely treated. He said he used to see those boxes, filled and unfilled, containing blankets and things that belonged to the institution, and he saw them one night taken away. And he told you how he saw them taken away. Well, but they say Mr. Barker isn't a reliable man. He told his wife at the time about it, and she confirms his story.

The CHAIRMAN. Dudley, Governor.

Gov. BUTLER. What?

The CHAIRMAN. Dudley.

Gov. BUTLER. Dudley and Barker both swore to it; I am taking Barker first and I am going to take Dudley next, because I have an excellent witness for Dudley, a beautiful witness for Dudley, although he is called "Ananias Dudley" here, you know. I am sorry my brother isn't well up in his Scripture. Ananias was not struck by the Lord for telling what was not true, but for keeping back the truth, I want him to remember. Indeed, I could recommend two things, a little more Scripture and a little more law, to my brother.

Now, Mr. Barker said he saw it, and he told his wife. Now, who is Mr Barker? Mr. Barker went away from there with a strong recommendation in his pocket from them, on his own account, and went down to Salem, and has been keeper of the Salem almshouse ever since, unanimously re-elected every year, and is there now. Don't you suppose the overseers of the poor, and the men there, know him,—know who he is? Has there been any one brought here against him? Has Sargent found any runt from Harvard Medical School to swear against his character for truth and veracity? None.

Now, let us take Mr. Dudley. Who is Mr. Dudley? Mr. Dudley and his wife went from there to the insane hospital at Danvers upon the recommendation of the Marshes, again,—or the doctor, I don't care which; a recommendation from Tewksbury,—and there he and his wife have remained ever since, and remain now; and if any attack had been made on Mr. and Mrs. Dudley by anybody but the rough side of a lawyer's tongue, I

would have brought every man and woman in the institution to swear what sort of people they are. But, fortunately, my brother has given me a good witness. He cited in Mrs. Leonard, and Mrs. Leonard says, "I have known Mr. and Mrs. Dudley for ten years. I respect them, and would believe their statements." This is this acute, penetrating woman we have heard of, you know, who knows all about this, — the ablest person in the board of state charities.

MR. BROWN. What is the date of that communication?

GOV. BUTLER. April 19th, sir; you will find it in the Boston Advertiser; which you believe in, but I don't.

Now, here are these respectable people, against whom nothing could be said, except that they were once at Tewksbury, in any way or form, swearing to some facts that I shall show you. They both swear—Barker and Dudley—that they saw trunk after trunk going away; box after box going away to Exeter, where the Atwoods live, filled, in some cases, with matters that belonged to the institution. This is Charles H. Dudley, when he was night watchman; in making his rounds, he saw what he testifies to, as follows:—

"I saw a woman opening trunks, taking out articles of clothing,—female apparel,—laying them down in different piles, until I saw three or four trunks opened."

That was down stairs, where the inmates' trunks were stored.

"Piles were laid down in one place and piles in another; then piles packed into the trunk and the other piles left outside. I went back with the idea to satisfy myself what was going on. I saw that woman come out, hobble up the steps, and go into the centre building I supposed at the time it was all right.

Q. Who was it? A. That was Capt. Marsh's wife.

Q. The matron? A. The matron.

GOV. BUTLER. Who is now a little over eighty?

THE WITNESS. I had supposed that that was all right. I had no particular suspicion until a few days after that, or a short time after that, when I was informed by the housekeeper, who was then a Mrs. Pope, that she had seen the same. I asked her what she supposed was done with that clothing that was removed from those trunks 'Why,' she said,—"

And he was going on to tell what she said, but he was interrupted by Mr. Brown. But Mrs. Pope came on then,—she was the housekeeper, and she told us [referring to brief] —

Mr. CARRIGAN. No, no; that is Dudley.

Gov. BUTLER. Dudley again, about the contents of the boxes. Then he began to look around after these boxes, and he says :

"I went and got a screw-driver, — I saw the tops of the boxes were put on with screws, quite heavily screwed down, — and took the covers, or part of the covers off the boxes, and I found that they contained different articles of dry-goods, such as sheeting, bedspreads, blankets, soft wool blankets, curtains, pillows, and pieces of silk; also pieces of carpets, either Brussels or imitation of Brussels carpets. This was as near as I found out what the contents were, and I took out several pieces and satisfied myself what they were.

Q. Did you examine all three of the boxes or only two? A. There was only two.

Q. Both boxes? A. There were only two sent at a time; I examined both of the boxes. I put the covers on and screwed them down. I tried to tip one of the boxes over to see the other side, but was unable to do so, and left it; it was too heavy." [Record, page 69, about the middle of the page.]

Then he says he saw a wagon backed up to the door and saw the boxes rolled into them by two men. Then he says further that when he came there and asked Captain Marsh what his duty was as night watchman, he was told his duty was not to see too much. Well, Captain Marsh was accustomed to give that sort of directions, for one of the inspectors swore that when he didn't know what his duty was, being lately appointed, he went up to Tewksbury and asked Captain Marsh what his duties were. Do you remember what Captain Marsh's idea of the inspector's duty was, — "to come here once a month and get a good dinner and go away?" And Captain Marsh never has contradicted that, either, and he has been upon the stand. [Referring to brief.] "He watched the wagon and found it went to Fay station; Fay station was the station where it would go to go to Exeter. One of the Davis boys came there frequently and stayed a long time; always carried a trunk home with him and failed to bring one when he came; it used to be as large a one as they could get; witness has seen Mrs. Marsh at night-time in the trunk-room taking away bundles of wearing apparel." I agree, as matron, she has a right to be everywhere that she liked, but it wasn't a good time for an old lady, verging on 80, to be downstairs in the night-time, when everybody was asleep, looking into the inmates' trunks. If you think so, you will so report, that that was a portion of her duties. [Referring to

brief.] “Mrs. Pope, the housekeeper, told deponent she had seen the same thing; saw the trunks of the inmates had been opened, and silk dresses and silk shawls taken out, of inmates, insane patients, and told the same to my wife at the time.” And the more he was cross-examined the more he sustained the evidence.

Now, I will take Mrs. Pope. Mrs. Jennie E. Pope. She was the housekeeper. Not a word has been said against her by anybody but Mr. Brown, and when one man calls everybody else a liar, he is like the man in a country town who said every man in the town seemed to him to stagger. [Referring to brief.] Did sewing for Mrs. Marsh; made over dresses that Mrs. Marsh has taken from the baggage-room where inmates’ trunks were stored; dresses were silk; saw one of the Davis girls, one of the grandchildren, wearing one of the dresses; saw Mrs. Marsh frequently overhauling trunks of patients; saw paupers making rugs from the old dresses of inmates; rugs were not used in the almshouse; frequently saw large boxes and bundles of clothing tied up with cord, marked Exeter, N. H. Frank Barker reported that inmates in the insane department were not properly clothed; hadn’t sufficient clothing on beds.

Now, then, next we will see what was done with that which went to Exeter. Catherine Moran, dealer in second-hand women’s clothing, bought of Mrs. Marsh and family a large quantity of dresses, underclothing, and so forth, and a poor musician’s fiddle; also bought of the Atwoods, in Exeter, dresses, shawls, cloaks, underclothing, stockings; bought clothing of the Atwoods and Davises a dozen times; were good dresses. Mrs. Mary E. Walker, another one, testifies, substantially, that she had bought large quantities of second-hand dresses and underclothing and the like, of the Marshes, Atwoods and Davises and Mrs. Putney; and they all came down there,—Mrs. Putney was Mrs. Dr. Putney, one of the grandchildren, after she got married,—and they all had a rendezvous down there at Reading, and this woman says she bought all the clothing she could carry away.

And now comes Fannie Dudley:

Q. Now, did you ever see anything about taking clothes away from the trunks or the trunk-room?

A. When we were on the night-watch we noticed that there was a large room filled with trunks and clothing on hooks; when we went

away there were but very few trunks there and very little clothing; I don't know what became of it.

Q. Did you ever see anybody carrying it away?

A. I saw old lady Marsh one time coming up out of the trunk-room with an armful of clothing.

Q. What was it?

A. I did not examine it. It looked like dresses and shawls.

Q. Do you know anything about taking boxes to the railway station?

A. No, sir; I do not; I heard of it, but I did not see it.

That was further confirmed by Mrs. Pope. And, now comes another woman, Miss Mina Davis, not one of the Marsh Davises, but a night nurse at the almshouse in 1878 and 1879. She testified that complaint, on the part of the inmates, about loss of clothing, was frequent and common. The complaints were such as this: "Mrs. Davis, look at this dress! I put a nice dress into that baggage-room. Now, look at this." And the same complaints were made in regard to shawls, hats and other articles of apparel. (Record, p. 272.)

William Driscoll, who was nine years at Tewksbury, testified that he saw Hugh McDermott and other inmates peddling stockings, shoes, pants and underclothing which were said to have been furnished them by French Joe, who was to divide profits. This was in 1881. (Record, p. 253.)

Agnes Calder testified that there was a general complaint of inmates about the loss of dresses and other clothing from their trunks, and that frequently the clothing of the inmates admitted to the institution would be gone. (Record, p. 283.)

Now, what are you going to do with this testimony? A word about Miss Calder right here. She gave as her reference yesterday that she had been for seventeen years a member of the Tremont Temple Church, and an attendant upon its Sabbath school; and anybody might go there and inquire concerning her. She gave that same reference nearly four months ago, and Moses Sargent even could not find out anything against her — and what he can't nose out is not worth attempting to find out.

Now, Joseph Palmer, the man who says he checked the baggage, or had the baggage checked, testified as follows: —

Q. And when they came they would give you the check and you would go and get the baggage? A. Yes, sir.

Q. This coming and going was always to and from Tewksbury

substantially? A. Yes, sir. I believe I didn't check any baggage anywhere else.

Now, he testifies, to make a long story short, that this happened every week. They went away from Exeter empty and they came back with heavy trunks. Now, they brought two men to swear here, — not here, but they got two depositions taken, and both were men he had quarrelled with, — that they wouldn't believe him under oath. I didn't think it was of consequence enough to bother the committee with, especially as the legislature were kind enough to limit my time so that I couldn't get in all my witnesses in rebuttal within about fifteen, nor I couldn't even read my depositions.

Now, what are you going to do with this? Are these men to be, all these witnesses to be whistled down the wind when they won't bring a single Marsh here to say it was not so? Add to this, and I cannot go much further with this thing, add to this the fact that after Mrs. Putney moved down to Reading, they sent her a baby cradle, which was put on to the waybill as 400 pounds. They must have expected she had a very large baby. But something too much of this. I only want to show you that you can't get away from this testimony by sliding over it.

But we come to something much more important, very much more important. Now, I come to the manner of keeping accounts. And the books that were produced here were the most beautiful looking books I ever saw in my life. They were all as clean as that [holding up a book]; the books that have been used for years for day-books and journals and all that, and there would not be a blot, nor a blotch, nor an erasure, and there isn't one to be found on them anywhere. But, when you come to the inmates' cash-book, where the inmates' cash was kept, Charles Marsh swears his method of keeping that is by erasure; that is, that when a man comes in he puts down so much money to his credit; when the man gets any more sent him by friends, he scratches that out and adds the two sums together, and puts it down again over the erasure, and when, if he lets him have any money while he is in there, when he comes to settle the account, he deducts that money, scratches out the other two sums over each other, and puts it in over an erasure at last. Now, gentlemen, I want to be interrupted by everybody, if I have misstated this one hair. That

was his method of keeping them; occasionally he did it the other way, — he first put down on the one side and then put the sums the other way. Well, I have heard of keeping books by double entry, but never by erasing, because that is by triple entry.

Now, do you wonder that I could not get at any books but those which were fixed up so that my expert testified he never saw so clean a set of books, nor did anybody else ever see so clean a set of books. Now, don't misunderstand me. If they had wanted to fix up their books in just this way, that little delay of the committee from the seventh of February to the last of March would have given them just the time to do it. Now, I don't mean to say, — don't misunderstand me, I don't think the committee knew a word about it, — but they got intimation, and so they began to pay in the old accounts, and Nourse paid up, and Charley Marsh paid up, and Tom paid up, and the old man got the pig money ready that he had kept back, while you were waiting. You were waiting for good reasons, and they were occupying the time very industriously.

Now, then, here is the inmates' cash-book, which we never got until after four times asking, covered all over with erasures. That book, you see [holding it up], isn't so clean as the other. He hadn't got this ready; he didn't mean we should know anything about it. He swore he had given us all the books, once, twice, thrice. I kept after it. Said I, "Where is that inmates' cash-book?" He said, "Oh, that is a little memorandum book." Said I, "Little or big, bring it, sir." And, at last, I got it, and he had no time to fix it; and that appears, now, like a book that has been used. Compare, in the same institution. [Holding up both books.] This one was the book the Commonwealth's account was kept in, and this was the book that we got at last.

Now, let me give you the history of my call for books, because I have got a word to say about that. I called on Charles B. Marsh and he said he had furnished all the books, cleaned out his safe this morning of everything. (Page 210 of the record.) Mr. Brown says, "Now, upon the third call," for books, "we have produced everything that we have at the institution." (Page 211.) There are over two thousand pages of this testimony; this is early.

The CHAIRMAN. Three thousand.

Gov. BUTLER. Three thousand; I always understate my case.

The CHAIRMAN. I see you do.

Gov. BUTLER. Charles B. Marsh says he has delivered at the governor's office all books kept there, at the institution. "I don't know that I could tell from my ledger. But I have a book which I will send you if you want it" (that is page 821). After he had three times sworn, and that is the time I got this little one, — "If you want it, where I have taken off the expenditures for each month. It is no part of the books of the institution but I have done it for my own convenience." Charles B. Marsh didn't understand that the governor wanted that book; that is, the little one. "It does not belong to the State, it belongs to me." Why, the State's accounts were kept in it, but, then, for all, — I will come to that by and by. Now, he says there are some books used by the appraisers, — the appraisers are State officers, appointed to appraise the property of the State, they are not private property, — "didn't think the governor wanted them;" when I had called for every scrap of paper four times over. Now, then, I made a broad demand for every scrap of paper, everything that belonged to that institution; and you ordered it, over and over again, gentlemen of the committee, did you not? And, yet, in the last few days of this investigation, the books containing the account of the cut-up dead, the most important of all, — for, what is money, what is money in this matter? Steal, if you please, Marshes, the inmates' cash and keep no account, or a wretched account of it, if you please; but, in Heaven's name, don't steal their bodies and keep no account. And we now know there were these account-books. Nourse swears that they were there, Tom J. Marsh swears he has got them, and then walks up to this table and looks you in the face and says, "I won't give you those books." And this institution you are to sustain. I could not have believed it till this morning. But, after I heard of a vote in the legislature which I should not have dared to speak about if brother Brown had not lugged it in this morning, — after I heard of a vote in the legislature where fifty-six grown men, claiming to be fit to represent constituencies, absolutely voted that there was no power in the legislature of Massachusetts to get the books in which the accounts of the State of Massachusetts are kept unless they have paid a dollar and a half witness-fee, and subpoenaed the wit-

ness! And, here, where the legislature has ordered an investigation into this institution, one of the under officers quietly tells you, "Go where you please, go where you will go to, you shan't have the books." And books showing what has been done with the Commonwealth's dead for twenty-five years, if they are properly kept, and that is what I want to see. I dare you to whitewash that transaction. You will reckon with the people for that, if it is done, and the man that puts his name to it might as well sign his own death-warrant for anything that the people of Massachusetts will give him, hereafter, in my judgment. Think of it! Think of it, gentlemen, for a moment! A solemn investigation has been ordered; you have ordered, your committee have ordered every book in an institution to be given up. The officers of the institution are here before you, defending; they have employed counsel, they are here consulting with counsel, they are right here in the room with the book in their pocket. The book is the account of the dead, the account of those who have been sold for money that they may be cut up, after the service of God over their remains has been said by the holy priest; and the man comes forward and says, "I won't give it up; I won't give it up." You, feeling the dignity of the Commonwealth as committed to your charge, a majority of you, feeling that the honor of the Commonwealth was in your hands, that you should not be played with, you ordered it to be given up; and, when the man stepped forward then and refused it, after waiting three days until the legislature could be sufficiently lobbied, a report was made on that transaction. And we got a judgment which the men that did it will regret as long as they live.

On what ground was it put? On the ground that he hadn't been subpœnaed. What do you want to subpœna a man for when he is here? A subpœna is to bring a man; it is a conveyance. What do you want to send a carriage to a man for when he is here in the room? Pooh! I appeal to you, sir; suppose a man is in court, and he is called upon to give testimony; have you got to get a subpœna before he can be put upon the stand? Never; never. Suppose a man is before a court, with a book that is wanted in evidence in his pocket; can't the court commit him for contempt, without sending out a subpœna to bring him in when he is there already? Out upon such nonsense!

There was a reason and a constitutional reason why Tom Marsh should not give up these books. If he said they would

criminate himself, show him guilty of crime, then he can't be compelled, I agree. But he must put up that plea, must put it on that ground, and that ground only. He didn't do it at all. Somebody did it for him. Some one of the committee were kind enough to supply him, in a report, with what he didn't supply himself; so that, therefore, I take it that the committee knew exactly the reason, although Tom Marsh would not confess it, and I assume it would criminate him. But that was not the ground it was put on.

Now, let us see where we are. There has been a good deal said. — I now refer to the public history, — about what the "old man" said he could do, if he could only see the books. The "old man" hasn't promised anything, if he could not see the books. I am absolved from all promises.

Now, further, let us go to this inmates' account-book. And all these books come under the order of the committee to an officer of the State, who is bound to come here upon the order of the committee, without any summons. An officer of the State, here by his counsel; and he is here enough for his counsel to argue his case, but he is not here enough for you to enforce the process after the argument is against him. He is absent then. He is here enough, he is under jurisdiction enough to be heard, for counsel to argue his case; and then, somebody said; "Oh, that is all right," and then, immediately afterwards, having put himself in that condition of refusing to produce the books, he comes in here, and offers himself as a witness, and you swear him. Why didn't you inquire whether he had been subpoenaed, or not? How could you swear a witness that was not subpoenaed, if this other doctrine was correct? There never was such nonsense ever emitted by mortal man.

Well, so we haven't got the books. We have only got forged books, and what they could not forge they suppress. Now, let us come to this, for I must be quick about it; let us come to this inmates' cash-book, which was here a moment ago. Now, this inmates' cash-book; I want to call your attention to what this cash-book is. This is the only cash-book for 3,000 men and women who come in here, and for their cash that they have in their pockets which is taken away from them. And they had no more business to take it away from them than they had to rob their dead bodies after they were dead. I don't know of any law by which, because a party is in the almshouse, you can pick his pockets. If anybody does I wish they would point me

out the statute. But the moment they went in, all the money and jewelry, watches and everything else was taken from them. Why should not a poor man in the almshouse, where the days and minutes are lagging, why shouldn't he have the privilege of looking at his watch and seeing how the time was going? It is his watch. Why was it taken? In order to be stolen. And this book contained the whole account. Now, I am not going through this book, because I haven't time; but I can tell you what I did do, which you know. I shew as many erasures as I could, and there was only 54 of them; and I was exceedingly puzzled why there weren't more, and it is about the only thing that has kept me awake nights during this investigation, why I could not find out why there were not more erasures. I knew there were more erasures; but I peered at it with microscope and glass, and they were not there. Now, said I, I know they are there; and I sent for a chemist, and I asked him, — because I had had a little knowledge of chemistry, — I said, Can't they take out by a chemical reagent, oxalic acid, or tartaric acid; can't they take out the ink without showing anything on the paper? Yes, sir. And can't they restore it if they haven't rubbed it any; can't you restore it with another reagent, gallic acid? Yes, sir. Said I, Here are three places on this book, won't you try your hand at them? I hadn't any further time. I would have gone all through them, if I had had time enough; but I put him at three cases, and the gallic acid brought out the figures in every case. One was where \$5 stood credited to an absconded inmate to be paid over to the Commonwealth, and the one had been taken out by acid, and putting it on it was restored. Another was where it had been partly scratched and partly taken out by acid, and we found a different figure brought out by the acid underneath the present figure. And the other case was where we shew, probably, — I don't want to go any further than that, — probably, by the testimony, that a woman took up \$156 there, and, what was very remarkable, that boy testified to six, you remember. The first page on this book, Ellen Allen; and when she died there and her effects were to be turned over to the State, all that appeared was that there was one dollar to her credit; and the acid brought out a six. It could not go any further because there was scratching besides. Her young nephew said that she started with \$156. There never was such a confirmation of testimony since this world began. And she had clothes with her; two gold rings, a pair of

gold ear-rings, a gold pin, a pair of gold studs, a black cashmere shawl, two nice dresses, and, also, underclothes; and when her brother came up, after she was dead, came up there after her things, they had gone, weren't there, no record of them anywhere, no record of any money,—over \$150, and we find figures scratched out, figures taken out by acid in her account, which is a mode, the Tewksbury mode of keeping books by double entry. You saw it with your own eyes, gentlemen; I had the book pointed out to you. The one is here to be seen; it won't last a great while, but it can be fetched up again.

Now, I don't care what the rest of them are. He says three out of so many hundred. If he had produced this book at the beginning and I had had wit enough to think how the thing was done, I would have had them all tried by acid; but he kept it, kept it back. Because, gentlemen, if they will steal chickens, if they will steal old dresses, if they will steal the poor inmates' money, what will they do with the money of the Commonwealth, which everybody, almost, thinks they have a right to take a lick at? And they have disbursed over two millions here.

And these are the accounts. The accounts as kept are exactly like the accounts down in the auditor's office; as, of course, they would be, because they are copied into the book before the account is sent down, and a duplicate is sent down there. Now, then, here we have it again. You will find year by year about \$500 worth of tobacco. They swore they sold, French Joe swore he sold no tobacco to the inmates and was not allowed to. What did they have the tobacco there for? Old Mr. Marsh swears that his farmer, Mr. Poor, told him he had been in the habit of selling calves and taking the money to buy tobacco for the men and hadn't made any account of it. But, still, that tobacco has been there, and while Charles Marsh claims that he has given large sums in the aggregate to these poor people out of their money to buy tobacco with, then it was bought of the State, and there isn't a dollar's worth of tobacco credited to the State, not one, on the books; not one. I know whereof I affirm, and so do you.

But this is by far the least important of the matters. There is another matter of keeping accounts. They have been going on there for a quarter of a century and they have never kept a delivery account of any article; they never have kept any account of the coming in of the article, and when they pass it out in bulk, more or less to the cooks and to everybody else, cloth-

ing and everything else, there is no account kept of it; and the man they have had in charge for years is French Joe, — a drunkard and a libertine, and a liar, as you know, who used to come down here every now and then and take one of the inmates, send her before him or bring her with him and spend a fortnight or more in some bad house at a time, and then he would go back, and then she would come back, and he would go on dealing out the inmates' clothing and supplies just as if nothing had happened, and, then, no account of it kept? Am I right? But, I come now to a matter of much more importance, and that is cruel and abusive treatment of the living.

This is a home for the aged. Now Mrs. Dudley comes in. She was there. I will deal with the infants first. Let me say the infants died 71 out of 72. 71 out of 72! Why did they die? Mrs. Dudley will tell us. She found the nurse sleeping, fires out in the foundling department, and she found a half-pint bottle of morphia that the night nurse said she gave to the foundlings to quiet them. (Record, page 216.) "I often found the infant's bottles sour, and reported this to Capt. Marsh." (Record, page 217.) "An insane woman at one time was helping take charge of the infants. Once saw an infant with a pillow over its head. It looked as though it had been suffocated. The insane woman said she did it and swore about it. Mrs. Burbank said she reported it to Capt. Marsh. The child was dead when I found it, but the nurse remained." Simple murder, gentlemen: what they hang people for in proper civilized communities. Charles M. Dudley said to the nurse one night: "Your babies are getting along nicely." She said she had found a way to keep them quiet. She took a bottle and shook it and said: "That's the stuff; a mixture of morphia." There were seventy-three infants that I kept the run of; only one survived at the end of the year, and that is borne out by the returns. Agnes Calder says: "I had charge of the infants, fifteen and sixteen at a time when they died, getting some more. Perhaps they would all die in a week or two. They could not retain the milk on their stomachs. Had charge of babes before."

Mark Heathcote. I took a foundling up to Tewksbury: was kept waiting in the office forty-five minutes; saw a woman have this baby, and she filled its mouth with soap. Was near, and saw this done. And he described how, when the baby cried,

this woman slapped a mouthful of soap into its mouth. And the baby, of course, died.

Deacon John Carver, — and I cannot go into this case without a feeling of perfect disgust. Here is an old man, father of a family and deacon, — not of a Unitarian church, but of a church where they believe they have a devil which punishes sins, — of high standing among his neighbors. Somebody, knowing his kind disposition, dropped on his doorstep one night, enveloped in a rich shawl, a well-dressed child. And the old deacon took it in. He tried to get his neighbors to adopt it, as his wife had some of her own, and they would not. He could not do it. And they came to the conclusion to bring it up. — he went to the almshouse of their town, and they said they could not take it, because it didn't belong to the town, — and they came to the conclusion they would have to carry it up to Tewksbury, and they did. They went home, and Mrs. Carver, who went up with it, left it there, wrapped in an expensive shawl. Her heart misgave her, and she and her husband went back for it. I give this much, that it may be understood how easy it is answered by vulgar insinuations that this child was a child of the deacon. Without a word of evidence, the kindness and philanthropy of this Christian couple is paid for by the Marshes by instructing their lawyer to insinuate to you, in the face of the Commonwealth, that he had been guilty of adultery, and had an illegitimate child and this was his child, and that is why he went up with the child. I never have been, in the course of an experience of forty years at the bar, shocked so much as at this. If there had been a scintilla of evidence, if anybody had said that old Deacon Carver had stayed out nights, except when he was at prayer-meeting or anything else upon which to found it; but simply because they understood from what the old lady had seen that the child would die, they went back for it, and the counsel insinuates and raised a vulgar laugh from the friends of the Marshes — he could not have got it anywhere else against this old deacon by insinuation. Now, let Mrs. Carver tell her own story. I don't know that I have not gone over it sufficiently. She took it back and brought it back into health, although it lost three pounds weight.

Mr. CARRIGAN. Six pounds.

Gov. BUTLER. Although it lost six pounds weight. What does she say? She said that she went up to get it; it had

been there some days — two, I think ; I may be wrong. When she went to get it it was cold weather and she asked for the shawl,—a large, valuable shawl,—which she had brought it in two or three days before ; and they had stolen the shawl and she could not get it. She could not find any place to buy one to wrap up the baby in, and at last they took a shawl in that cold weather, off of the shoulders of another child that had just come in from Westford and gave it to this woman. Her shawl was sold down at Exeter with the rest, and she could not get it. Now, there is Mrs. Carver's story ; she swears to that, and as this was not her child there is nothing against her character at any rate. Now, then, I brought here a man that keeps exactly such an establishment at Lowell. But before I go to that I want to say this thing. What is the answer to this? They bring a woman up here to swear that all the children she sent up there were dying—substantially—from Chardon Street Home. We got hold of the record, and this is what the record shew. She swore they were all diseased :

“There was a footing put in yesterday I am certain. It was 71 in all ; doubtful, two ; diseased, one ; condition not stated, one ; good, five ; fair, thirty-five ; feeble, twenty-seven.”

And yet they all died. And I say now what I said before, that it would be a mercy to these poor to have had somebody pinch their heads before they were sent there to die a lingering, starving death.

Now, let us see what can be done within eight miles of there. We have an almshouse where we have foundlings and everything else from Lowell ; all kinds of people and exactly the same kind of an institution. Let us see what the death-rate there is for the last year :

“In the nursery I average from forty to forty-five.

Q. How old children does the nursery include? A. All the way from a birth to nine or ten years.

Q. How many children have you in the reform school? A. I think I have twenty-six sentenced, besides about as many more pauper children.

Q. Twenty-six convicts ; that is, sentenced there by the courts? Sentenced there by the police court? A. Yes, sir.

Q. And about the same number of what? A. About the same number of pauper children. They all attend the same school.

Q. How many children under the age of nine in the nursery did

you lose last year? A. I don't think I lost a child last year, if my memory serves me right. I have lost one or two this year."

Forty of them, — and the distance is but nine miles from Lowell to Tewksbury, — and under the State they lose 71 out of 72; at Lowell they don't lose but one out of forty. Well, is that because they feed them high at Lowell? No. This man says it don't cost but \$1.07 to carry on his establishment as against \$2.07; and he has a school besides, which they have not at Tewksbury. And then you are told here that in foundling hospitals no children live. Why, then, did they send children there from 1854 down to 1878, year by year, almost a quarter of a century? Send them there to die! Why, better let them die where they were and save the expense of the officers and the nurses and of taking them up; except that some of the active politicians of a given party must live and have a means of living.

Now, then, let us see how they deliver children there. This is an excellently managed institution! And here I take a man whom Mr. Brown said to-day disappointed me as a witness. Well, he did. Brown was right, there. I had a graduate of Harvard. He had got to tell something against a Massachusetts Medical Society man, and I didn't believe that he would; but when I got him on the stand he did, and that disappointed me. Here was a woman in labor. She had been in labor and he had been watching the labor, and he sent for the resident physician; and the resident physician — and without examination — applied the forceps. He told how it should have been done.

"Q. Then that was not done? A. No, sir; the forceps were applied.

Q. The forceps were applied; and how were the forceps applied? A. The head had not entered the pelvis."

As though anybody was going to deliver a child in that position.

Q. I agree; the head had not entered the pelvis, but — A. The forceps were applied to the head.

Q. Was any considerable degree of force used with the forceps? A. Yes, sir.

Q. Won't you describe, now, without my asking questions, Doctor, — you don't seem to be more than ordinarily communicative, if you will pardon me, — won't you describe exactly what was done

with the forceps, and how the force was applied? State the state of the woman, the position of the woman! State the position of the doctor with his forceps on this child, and state it all. A. The woman was lying crosswise of the bed, feet out on a chair, and there were two nurses present. They managed, after she was put under ether — they managed the ether, and kept the right side of the bed, but Lathrop and I were on the left side of the bed. I separated the legs while he applied the forceps. The forceps were put on, tied with a towel, and traction was commenced.

Q. That is, the forceps were brought together, wrapped with a towel? A. Yes, sir.

Q. So as to get a good hold? A. Yes, sir.

Q. Very good; then what was done? A. Then he made traction.

Q. Made traction? A. Pulled.

Q. Pulled; I know. Then he pulled — how did he pull? A. He pulled gently at first, and then sat down on the floor, and then braced up against the bed and the woman.

Q. No, doctor, wasn't this it, — Didn't he put his feet against the buttocks of the woman, and sit down, and pull with all his might? A. Yes, sir.

Q. And his forceps slipped? A. Yes, sir.

Q. Where did he go to? A. Over on to the floor.

Q. Heels over head? A. Yes, sir. I should like to state here though, Governor, that, as I understand it, this can, even frequently does, happen in an ordinary case. I never saw it happen before nor since.

Q. But it always does happen? A. I understand it can happen.

Q. It can happen; oh, yes, it did happen; that is evidence it can. You never happened to see anything of that sort happen before or since. Was this traction, as you call it; this pulling, braced against the woman with a towel to get good hold of the forceps, — braced back — was that a continual traction. A. Yes, sir.

Q. For how long? A. Fifteen or twenty minutes, — twenty to thirty minutes my notes say.

Q. And then the forceps slipped, and over he went. Now, then, isn't it the rule of practice in obstetrics, sir, that there is to be first a pull to help along, and then a letting up; a pull, and then a letting up, so that nature should have a chance; and then, if the contraction of the muscles don't do it, another pull, and so on, — isn't that right practice? A. Yes, sir.

Q. He tumbled over; did he pull any more on the forceps? A. No, sir.

Q. What was done then? A. He attempted to perform craniotomy.

Q. Now, I have had a good many malpractice cases in my life and I know the meaning of these terms; craniotomy means, does it,

to break up the skull and to work out the brain, and then collapse the skull and try to get the head out through that way? A. Yes, sir.

Q. Did you advise that? A. I was there as a student, and, of course, had nothing to do with it, excepting to obey orders.

Q. Did he go for his tools to do that with? A. Yes, sir.

Q. Went down to the dispensary, or off somewhere? A. Yes, sir.

Q. Did he come back, bringing his tools? A. Yes, sir.

Q. What were these tools? A. There were not any tools proper to do it with.

Q. I know there were not any tools proper to do it with; what did he bring? Let us have it, Doctor. A. Well, it was a screw-driver and a rat-tail file that he brought up.

Q. Sure that it wasn't a corkscrew? A. No, sir.

Q. Did you ever see these used before or since for such a purpose? A. No, sir.

Q. Which did he put in first? The rat-tail file? Had the rat-tail file a handle on it? A. I don't seem to remember.

Q. Don't remember? A. No, sir.

Q. Which did he put in there first; the rat-tail file or the screw-driver? A. Well, I am sure I could not tell you, Governor, it was so long ago; at any rate, I know he brought them up and used them.

Q. Brought them up and used them? A. Yes, sir.

Q. Now, then, he tried, if I understand it, to punch a hole in that child's skull with that rat-tail file? A. Yes, sir.

Q. The skull is a little hard; did it slip and go into the woman? A. I don't hardly see how it could have avoided it.

Q. Nor I, either; I want to know if it didn't? A. It would be impossible to say whether it did or didn't; there was considerable hemorrhage at the time.

Q. And whether that was from the holes made by the rat-tail file or natural hemorrhage, you don't know? A. No, sir; the woman ruptured; possibly it might have come from that. She was ruptured by the instruments.

Q. Now, then, did he manage to get along in this manner; with the rat-tail file? A. No, sir.

Q. Then did he use the screw-driver? A. I believe he used both of them.

Q. Both of them at once? A. No, sir.

Q. One at a time? A. Yes, sir; I don't know which he used first or last.

Q. Did he manage to do it with either of them? A. No, sir."

Had they any proper instrument to do that with? No. Had they ever had? No. When was this? This was in 1878. This institution had been running twenty-eight years, — yes,

thirty-two years, and they hadn't an instrument to do the commonest operation in a difficult labor, craniotomy; although this was the place where women were to be sent to lie-in. And the next day, upon this young man's request, they bought them. The authority was given to purchase them the very next day. Now, my brother says that the doctor saved the woman's life. Pardon me. Let us put it the other way. He killed the baby? Yes. He simply didn't kill the mother? No. Well, I heard of just such a case once. A young physician went to just such a case as this, and he told the old physician what he had done. "How did you get along, John?" "Very well, sir." "Did you save the child?" "No." "Well, that was bad." "Well," said he, "not so very bad." "Did you save the mother?" "No." "Well, that was pretty bad. What did you do?" "Well, I saved the old man." And this is what is put before us; when the doctor swears it was gross malpractice, he reported it to Captain Marsh, and he was turned off by the trustees at the very next meeting, although he was there without any salary, and a woman put in that would have a salary.

Now, let us come to some more testimony about neglect of patients. Joseph Beebe, a patient in 1881, saw a patient rubbed with unguentum. He remonstrated, saying that the patient would die if he should take cold. The attendant replied: "Let him die." Dr. Lathrop (Record, page 626), Dr. Lathrop seldom spoke to patients. A man choked to death at the table and no relief was administered. Dr. Kenney ordered a boy with the whooping cough to take a sweat. The instructions were followed, and the undertaker took the body in half an hour. Abbie E. Wheeler was in Tewksbury in 1881; saw Mrs. Durning, a nurse, jump on a sick patient with her knees, because the patient would not take her medicine. Mrs. McClary, another nurse, strangled a patient while crying for food; the patient was in the dead-house the next day. Mrs. Marsh constantly neglected to visit the patients. Now, see what Mr. Dudley says. He found an inmate confined in a cell. No attention was paid to Dudley's repeated requests for medical assistance. The inmate was found dead in the cell (Record, page 78). Little children cried from hunger (Record, page 84, top of the page). Complaint was made to Capt. Marsh, and he said they were brought there to die. Female insane were mostly without underclothing, shoes and stockings, nearly naked. A female inmate was found naked in a cell where she had been confined a

year. She was practically a skeleton, attended by an idiotic attendant, who would deposit the patient's food in the water-closet. She was rescued, and has fully recovered. Now, I agree they have brought here two of these people to swear against it; but I am like Mrs. Leonard. I believe the Dudleys.

I come now to another, the gravest of all grave offences against these inmates — not quite so loud, if you please, gentlemen — the gravest of all grave offences, and that is the case of Charlotte Anderson, which my brother didn't dare to tackle with. Charlotte Anderson was a young Swedish woman. She came over here a girl and worked to get money enough to bring her sister over here who was upon the stand. And when she was taken with melancholia, quiet insanity, and she was out of her head in her talk, what happened? What happened then? The thing that happened was that she was sent first to Taunton and then was sent here to Tewksbury. After she had been there considerably more than a year the poor innocent girl was confined with child. Her sister had been visiting her, and she heard nothing about it. But at last she went up there, and, to her astonishment, she found her with a baby in her arms. She asked her who the father of the child was, and she made answer. And there I was stopped by the committee from telling what that answer was. But what was done? You saw the girl, intelligent and honest as the sun. What was done? She took her insane sister with the child in her arms, and she went to Capt. Marsh's office. What she said I was not allowed to put in, by a vote of a nominal majority of the committee, there not being a full committee here. But we can guess what she said and what she would want to know. She had taken her sister from the hospital with the babe in her arms, went to Capt. Marsh, the superintendent, and she said something to him; we can guess what it was quite as satisfactorily as she could tell us. We can guess that she asked him who the father was. Now, then, here was a very solemn occasion. I see in the newspapers that Mr. Marsh gave a jocose answer. This was a very solemn occasion. Here was a poor girl that had found her sister with child in an insane hospital under the care of the State. She went to the head of that institution with her sister and the child, and some question was put to Capt. Marsh. The committee would not let it go in evidence. And Capt. Marsh laid his hand on Charlotte, the insane girl's shoulder, and said: "We know how

to make babies here ; don't we, Charlotte?" Now, I don't care which way you take it. And then I attempted to put in what the girl said, and what the sister said. But, no ; that was excluded. But I guess we can find out, or we could guess what would be said ; if a woman went up and found her sister with child ; if a bright, intelligent woman went into the insane hospital and found her sister with child, where it must have been got there. She wants to know, of course, who was the man who had done this great wrong to her insane sister, and she takes that sister with her babe in her arms up to the superintendent, and says something to him. Who was the father of this child ? What would a right-minded man have said, if he was not guilty ? Why, he would have said : " I don't know ; I am as sorry for this as I can be, and I will hunt the rascal down if I have to hunt the world over, who has disgraced the State of Massachusetts and my institution in this way." Or he would have said from the first : " My dear girl, don't cry ; I am as sorry as you can be ; I have been hunting for the fellow, and I will have him." That is what would have been said by any man fit to live on earth. The answer was : " Charlotte, we know how to make babies here, don't we?" And that is all the poor girl got. Gentlemen of the committee, Capt. Marsh don't deny this.

The CHAIRMAN. I understand he did, Governor. He said he didn't remember it.

Gov. BUTLER. That was one of the questions that his counsel argued could not go in, because it was not allowed. He says : " I have no doubt of the fact that she was gotten with child while in this institution." This is Mr. Marsh. I will go over with it in a moment. " Mr. Marsh, did you ever say to that insane girl after she had her child in her arms in substance this : ' Charlotte, we know how to make babies here, don't we ? ' " " I am sure I didn't." " I don't know whether she was buried or not." " Don't remember that I knew she had a sister living." There is where the memory comes in. Why that thing would have been impressed on his mind ; that thing would have been impressed on your mind, or yours, sir, who are a father, or yours, who have sister and mother ; it would have been more indelibly impressed than even the crucifixion upon poor Eklund's breast, never to be rubbed out even by tanning after death. And if there was nothing else on earth, don't you believe that girl ? Is there a man here that dares to put his hand on his heart, and

upon his conscience and honor say that he doubts that girl? What was she here to testify for? She left. She went away sorrowing. She told them if anything happened to her sister to let her know where she was, and she would come and get her. She was a poor girl, working out by the week in a respectable family. They sent her some letters in answer to her letters. And the girl died, and they never let her know she was dead, although she was living at the same place. And if you will look in the death book, you will find she told them where she lived. They never gave her any notice that she was dead. She could not go and get her. Three months afterwards, she heard from an acquaintance, who had been up there, that her sister was dead; and she went up, and could not get the corpse; and she never saw her sister after that. And then the poor girl, having nobody to call for her, having no friends that were notified, was worth fifteen dollars to Tom Marsh in cash, or sixteen dollars.

The CHAIRMAN. Now you are out of the record, Governor.

Gov. BUTLER. Why so?

The CHAIRMAN. You are outside of the record.

Gov. BUTLER. Where am I?

The CHAIRMAN. There is no evidence that she went to any medical college, that I remember.

Gov. BUTLER. What?

The CHAIRMAN. Is there any evidence that her body was sent?

Gov. BUTLER. Pardon me. Let us see; what they claim to be the law is that they have the right, if anybody don't call for the body, to send them to Harvard for fifteen dollars, or to Boston University for sixteen. Then the moment that girl's body was not called for, it was worth fifteen dollars if carried to Harvard, or sixteen dollars if carried to the other one. Am I out of the record now, sir?

The CHAIRMAN. I don't remember any evidence that her body was sent.

Gov. BUTLER. I don't care whether it was sent or not; that was the market price for it, sir; the market was never glutted. They all swore that there was more demand than there was supply. It was worth that if he chose to take it.

Mr. CARRIGAN. There is no evidence of burial in that case.

Mr. BROWN. The record book says she was buried.

Gov. BUTLER. Well, I will come to that by and by. I am now upon the case of Charlotte Anderson. I will come to that

all in good time, what the record of burial means. There is no record of a single burial here; not one, I say in passing, and I will make it good directly. Now, I say if there is not anything else, I appeal to the mothers, the sisters, the fathers of this Commonwealth, if, in our days of light, the sight of a poor, sorrowing sister injured in your institution, for which you and I are responsible, is not enough to turn them all out doors, and lash them as did one who spoke as never man spoke, with a whip of small cords?

But let us pass from this, for I must hurry along. I want to say one word about Miss Eva Bowen. She has been the target for every prurient-minded rascal in the Commonwealth since she came on to this stand. She was a girl adopted by a rich father, who loved her to death. She was the product of one of our schools, perfectly educated at fifteen, writing a most beautiful hand, taught at the normal art school to model nude figures in clay. If she had prurient notions when she was fifteen, we are responsible for it. We should not have sent her to such an institution. Sent her to a good old Orthodox school, and she would have been a good girl down to now. I have no doubt. We taught her too young; we taught her imagination before we enlightened her conscience. If she is a bad woman, the school system of the Commonwealth is responsible for it this day and this hour, under God. And she ran against some man who seduced her, a little girl of fifteen. Mr. Brown told you that she told me who was her seducer. He didn't know that, and he who states what he don't know to be true, has a place among the people where there ought to be a lake of fire and brimstone. I want to say here and now, as he has attempted to implicate a man here by name, that she never did tell me, and she never would. That is what is worse. She was true to him. It was put in evidence here that her father thought he had too much influence over her, whoever he was. How did I find out who her father thought it was? Because he put an old woman on the stand here who said that her father told her that it was a man of high social position, higher than the governor.

The CHAIRMAN. Next to the governor, she said.

Gov. BUTLER. Next to the governor, — whether below or above, I don't care. It was before his day. Now, Mr. Chairman, — and he said that he had so much influence over her that he must get her out of his sight and out of his way. This man

of large social influence, of high name, high name, — and, then, the woman suddenly forgot what that name was. She swore she did, but she lied, because that is a thing a woman never forgets, scandal; there is no trouble about that. She suddenly forgot, and I, tentative with her, called the names. Said I, “Was it the president, or anybody by the name of the president?” And that is all I said upon it. And that is all I attempted to do with it, because I would not foster a scandal of that sort. But it is a man in high social position! And she went away from her father’s house for the purpose of having an abortion procured, as she told you; went to a house where she was told to. She was found there, and brought back; sent to Dedham, and, upon the testimony of the physician at Dedham, and the physician at the Oak Street Home, she was free from any disease when she went to Tewksbury. And there she tells us a story that will make the very rafters cry out.

Now, what object had she in coming here and lying? What earthly good? She had told it to a gentleman, — not her friend, in the sense that the prurient imagination of the counsel has held out, — and he wrote me an account, just as she told it here. It was not a story she had made up; and every word of that story is true, and has been confirmed wherever anybody has testified; and the only thing that is against it is that she is made to say, in a book made up in the superintendent’s of out-door poor or in-door poor, — I don’t know which, — office, three times over, that she had the syphilis. And he won’t swear whether he took that from the Tewksbury books or whether he took it from her mouth. Everywhere else she is corroborated.

Now, she said that her father loved her but that he felt the disgrace deeply; that he was under the control of a step-mother, and the step-mother made him drive her away. And she said that at the very time he was sending her money, he wrote to her, through the nurse, saying, that it would be better for the family if she were dead. That was tortured into her that he said he wanted her killed. The poor girl never said so. That is what she said was in the letter. Mrs. Rowell is the nurse. If that wa’n’t in the letter, call Mrs. Rowell. She isn’t dead. She received and read that letter; she has got it, for aught you and I know. She says that was in the letter. What interpretation Nellie Marsh put upon it, the doctress of the Marsh family, God knows. The girl says that, immediately after, she was given something, a dose which almost poisoned

her, and Mrs. Rowell flew to the rescue and gave her an antidote which saved her life, although she vomited a large quantity of black stuff up. No physician, no nurse, nobody from Tewksbury denies that.

Now, then, we hear a great deal that this girl has fallen. Be it so; she is the product of your education. You have no business to take a girl of fifteen years, just at the change of life, and put her to school where nude drawings, and nude figures in clay or in marble, will excite the imagination, till some rascal can take advantage of her passions against her conscience. And I told you so in the message, before I had heard of Eva Bowen, — what would be the result of such sort of teachings.

Now, I come to the last thing I want to say to you, and I will deal with that in a very few minutes. I skip all the immaterial matters, — that they were bathed in stinking waters and all that, as of no consequence in comparison. I now come to a single other matter, and that is, — I have told you how they treated the living, — I will now show you what they did with the dead. And, let me premise: this institution has been running, now, ever since 1854; and for a quarter of a century under the Marshes, and there is no pretence that there is any record of what has been done with the dead from that day to this, except for the last ten years. Out of the thirty-four in which it has been running, thirty-seven in which it has been running, more or less, there is not the slightest record pretended, and there hasn't been any bond of any sort till within the last ten years of any consequence whatever, only a hundred-dollar bond. And the colleges have all been supplied from it, and everybody else has been supplied. Now, what do they do? Confessedly, now; I don't want to get in the region of conjecture, of disputed testimony. It is beyond dispute that they take every body that the friends don't call for, — and that is a very small portion, — and send them to Harvard, or dispose of them as they choose; but before they do it they call a priest and he holds funeral services over the remains of all of them that are to be cut up. That is undisputed. And then they are put in the grave and dug up and carried off, or else they are put in the dead-house and carried off, and put where? Put under the dissecting-knife; and then, through early times, for the first ten years, what remained of their bodies, instead of being buried, were thrown into a vault where the fishes eat them, upon the undisputed testimony of a gentleman; and the small parts of the bodies

were commonly known in the dissecting-room as “cel-bait,” and the eels and the lobsters were right under it. They took no care of them whatever. And that has been going on, and no man has ever had any account except Tom Marsh, and Tom Marsh won’t produce it. Therefore, we are here without any account during the whole time, and we have no account of any only what have gone to the colleges, only what have gone to colleges. There isn’t a single body given to a physician that has been accounted for, given to a physician since this institution has been running,—not one. They don’t pretend to be there, in the 585 bodies,—they all went to the colleges, and we have proved that they did deliver outside of colleges, in one case, and that illustrates it all.

Now, these are undisputed facts. There is nobody questions this part of it. Now, it is said that this is what the Commonwealth has meant. I put it to you, gentlemen, was there one of you knew that this sort of performance was going on till you got on to this committee? If you did, him have I offended. Is this the way you would have the poor bodies treated? Ay, give them up to science, if it pleases, but keep a record of their whereabouts. Let us know what has become of the children of the State, little and great.

Now, what has been done? All this has been done without any authority or account. True, Nourse swears that he made a verbal appointment of Tom Marsh as agent, ten years ago; it can’t be found on the record; but he never asked him to account about this matter until last March. Last September, he says, he filed the account; but he settled the account last March. Now, that account is a false one. Divide it by the number of bodies, and you will find it gives \$14 and some cents to a body. I have proved that the colleges outside of Harvard gave \$16; so that that account is a false one on its face; we need not go any further than that. Harvard gave \$15; the others gave \$16 a body. The two that the doctor from the insane asylum brought away are not in that account, and they don’t belong there.

Now, all this is undisputed. What did Dr. Dixwell say? He said, when I called him under a subpoena, he having said nothing to me since he swore before the grand jury, when I called him under a subpoena, he says, “I was at Harvard College; I was an enthusiastic anatomist,”—I am not giving words but substance,—“an enthusiastic anatomist, and I had rather

dissect babies than dissect parts. I fitted myself up a dissecting-room at Cambridge, in my father's house, at the end of my father's house, and took my bodies there to dissect, and I bought an infant body because that would show all. And I know other students have bought them, so, taking with what I knew, there was 150 to 200 bodies there, and they were got of Andrews. We dissected our lessons on the tables; these lessons must be adults, at that time, — it has been changed since. Very well. And we got them of Andrews, and I paid him a dollar to three dollars, three dollars, and the very best specimens five, and he said he got them at Tewksbury." I doubt whether he got all at Tewksbury, although the death-rate would be sufficient to supply him.

Now, he had been a respectable man, never interfered with. He came here against his will, as he went before the grand jury against his will, and stated these facts, and no man has contradicted him. They came here and said there weren't any on the dissecting-table. Be it so; be it so. They came here and set their case upon it. But that isn't what Dr. Dixwell said. He said he got them of Andrews and paid him for them. Now, I put on two men who testified that they got the same thing and dissected them, babies, and one of them said it counted as one of his parts by agreement with the college, that he need not dissect three parts of a body if he dissected one-half of a baby. And I don't see why he should. Now, what did they attempt to start off here with? Every institution has bad men in it and every institution has good ones. When Christ undertook, aided by omniscience, to choose twelve disciples, He chose one that had a devil. I don't believe that Harvard Medical School averages better than that. They brought three or four of these people here to swear to what? In the first place that nobody ever dissected a baby; that nobody ever wanted one. That is entirely exploded, now, upon the testimony of four or five witnesses. Second, that there was never but one body at a time in the dead-house, — every rascal of them swore that, — two at most. None of them ever saw it. I brought two men here yesterday, who went in, perfectly outside men, and said that they saw dead bodies, ten on the tables, and in the dead-room piled up like cord-wood, twelve and twenty thrown in higglety-pigglety, with the dead infants between their legs.

Now, then, here is another piece of evidence. One of our witnesses, Chase, — and who is Chase? He was the sub-agent

for these dead bodies, reported so by Tom J. Marsh, — and he swears that he heard a quarrel between, words between Miss Manning and Marsh, because he would not pay her, for the infants that they put in the trunks, extra. And, then, after keeping us here with the swearing of these runt doctors, that there were no babies taken there, they come in here and put in the report of the trustees that there were 36, that there were 36. Well, what then?

Now, then, they commenced an attack upon Dixwell, as they did upon everybody else. I brought one, two, three, four, five, six, seven, eight, as respectable people as there are on earth, and they told you that Mr. Dixwell was honest, and no man ever knew anything against him. Even Farnsworth, whom I brought here, whom he had quarrelled with, — brought him purposely, knowing he was against me, wanting to show the worst that could be said, because I knew that I held him by the throat by his letter, wherein he said he never had so good a sub-agent as Dixwell, and he didn't know where he should ever find another; and then I let him loose, because I had a string with which I could fetch him up just like that. Now, there he was; and he says that the only fault he found with him was, he was too charitable to the Russian Jews, and they quarrelled upon that; and Dixwell says, "Very well; if I have paid out too much of the society's money, I won't take my salary;" and he begged him to come and take it, and begged him to come back. Then, one of the others was Mr. Wendell Phillips. Here and now, I have no occasion to enter upon any eulogium of him; and he swears he has known him egg and bird, father and mother, and sister and uncle, from childhood; and there is no man in the world whose word he would trust sooner than his; and that he never had the idea of lunacy with which he is charged. Oh, lunacy is the weapon that these doctors use whenever a rich man wants to get rid of an old wife and marry a young one; they swear she is a lunatic and get her into an insane hospital, and then the old man has a chance. It is no new weapon. I have been battling this infernal idea of everybody's being a lunatic, for forty years. He a lunatic! And the chief of police, who had known him always, trusted this lunatic to take the ball out of his arm, and the old experienced physician stood by and allowed him to use the knife. The testimony of these men covers his whole case with a blanket.

Now, Dixwell either told the truth or he didn't tell the truth.

If he didn't tell the truth Tom Marsh's books will show it, and you have no right to say he didn't tell the truth when they keep back the record. [Applause.]

The CHAIRMAN. Door-keepers, do your duty !

Gov. BUTLER. I rather suspect it was one of them who was applauding.

The CHAIRMAN. It will take time out of you ; that is why I do it.

Gov. BUTLER. I understand : don't interrupt me any more than you can help.

The CHAIRMAN. I won't.

Gov. BUTLER. I have one thing more to say upon that. They don't claim he was crazy till three or four years ago, when he began to show signs by not wearing just such clothes as the mutton-chop-whiskered fellows here. But he swore to this years ago, when he was not crazy. It must have been, then, mere devilish spite ; and, gentlemen, nobody claims that Harvard has ever done him any wrong till now. Therefore, I take his testimony and you are bound to take it, in the absence of the record.

Now, gentlemen, what else do they do with bodies down to Harvard? You have heard nothing for the last month in the newspapers but about the "freak of a student,"—in the satanic press. And if anybody wants to know why I give it that name it is because Satan is the father of lies. Here now [holding up a piece of leather], there is from one woman's back, from one tannery. I haven't given that away in relics, have I? There is from a negro's belly [holding up another piece], from another tannery. There is a shoe [holding up another piece], just cut out, which I took off a shoemaker's bench. — there is the vamp and there is the quarter. What were they cut from? Cut from that piece, as you see [holding up another piece] ; fits right in as close as it could. Why didn't they cut closer? Because there is the nipple of the woman [pointing to it], and it could not be smooth to cut it any closer. Here is more of it ; here is another piece of a man's skin tanned, the difference in the color being simply that one is with sumach and the other is with maple bark. You have still another piece from another tannery, Mr. Chairman.

The CHAIRMAN. Here it is, Governor [handing the governor an envelope] ; I don't want to keep it any longer.

Gov. BUTLER. All right ; I will keep good care of it as you

have. No, this is not all, sir. [Examining the contents of the envelope]. I want that thick piece that came off the nigger.

The CHAIRMAN. The clerk has kept that; I was custodian of only one piece.

Gov. BUTLER. These are samples which you took from these pieces to identify them. But there is a piece besides, from another tanner.

Now, this got to be an industry. What do you suppose people want of these? Why, there are old men and young men with jaded passions, worn out prematurely by their vices, and if they can put their feet into slippers made from a woman's breast, perhaps they can excite passion. This no new thing. This is the cutting up of paupers' bodies, and skinning them. This is the skinning of paupers' bodies to put on the feet of the aristocrats. Let us see how it was a few years ago. I hold in my hand Carlyle's French Revolution. There is still another [holding up a piece of skin], which I offered here, where the man who was in Tewksbury had that on his breast; but the committee ruled it out. Let us see if this is an unheard-of thing. I read, Mr. Chairman, from the 351st page of Carlyle's French Revolution: —

"Still deeper into one's heart goes that tannery at Meudon: not mentioned among the other miracles of tanning! 'At Meudon,' says Montgaillard, with considerable calmness, 'there was a tannery of human skins; such of the guillotined as seemed worth flaying; of which perfectly good wash-leather was made;' for breeches and other uses. The skin of the men, he remarks, was superior in toughness (*consistance*) and quality to shamoy; that of the women was good for almost nothing, being so soft in texture!*" History, looking back over cannibalism, through *Purchas's Pilgrims*, and all early and late records, will perhaps find no terrestrial cannibalism of a sort on the whole so detestable. It is a manufactured, soft-feeling, quietly elegant sort: a sort *perfidie*! Alas, then, is man's civilization only a wrappage, through which the savage nature of him can still burst, infernal as ever? Nature still makes him; and has an infernal in her as well as a celestial."

It is the pauper's skin that is tanned now for the slippers of the aristocrat. It was from my lord and lady's skin that was tanned then for the shoes and breeches of the paupers. It is your duty, gentlemen, and mine, to see that the wheel don't go round once again, if for no other reason than to save our own skins,

* Montgaillard, iv., 290.

because one side won't stand skinning always, understand that. And they come here and tell me, they all swear that there never was such a thing as a negro's skin at Harvard. I have a history of Harvard in my hand, in which a writer gives a picture of Harvard library as it existed in 1750; I will read it: "The library is very large and well stored with books, but much abused by frequent abuse. The repository of curiosities, which was not over well stocked. Saw 2 Human Skellitons, a piece Neigro's hide tan'd. &c."

Well, it seems they have been at it for 150 years. It is an old trick of theirs, and I am determined to put a stop to it somehow, and I want you to help me. And if we have done no other good thing by this investigation, we have called the attention of the people of the world to this cannibalism. No matter who did it, we shall stop it now. It is said that it was done without the knowledge of the professors. Let them be more careful, then. I see in the newspapers that I am to be sued.

The CHAIRMAN. Brother Brown has brought the suit, we hear.

Mr. BROWN. I don't know anything about it. It seems to me to come from the press you tell about, Governor.

Gov. BUTLER. I didn't believe anything about it, but it was said the price was immediately raised, because I had stopped the supply. That is all I want to say about it. If we have done no other good, I say, but that, we have done so much good, at least.

Now, I am obliged to my brother for putting in the record of the Soldiers' Home, and I cannot, in the twenty-five minutes I have left to me, do better than to call your attention to a little of it. He says that it cost \$3 and a few cents a week to take care of the people; and he wonders why it should cost so much, if I think I can do it so cheap. Let me show you the difference in our bills of fare. In the first place, of what birth were they? Per cent., native born, 41½; foreign born, 58½, in our soldiers' homes. Before you go to saying anything against the foreign born, let me tell you, you had better look out. They fought your battles. Fifty-eight and a half per cent. of the soldiers now in the disabled soldiers' homes, are of foreign birth. We stayed to home, and pressed soft cushions and skinned paupers, while these foreigners so much sneered at were fighting our battles.

Now, let us see what is given them to eat, and compare it

with the Tewksbury bill of fare. You will find it on the eleventh page of this report : —

“ A few words as to the food of this institution. It took 278 turkeys for their Thanksgiving dinner ” —

we didn't send our chickens and turkeys over to the trustees, —

“ and their last ‘ pot pie ’ required 34 sheep, 15½ barrels of potatoes and two barrels of flour. During the year they eat 758 head of cattle, 1,659 head of sheep, 3,714 barrels of flour, 15,747 dozen eggs, 154,932 pounds of butter, 69,289 pounds of coffee, 57,941 pounds of fish, 7,950 pounds of tea, 10,570 cans of tomatoes, 16,431 pounds of rice, 110,440 pounds of sugar, 21,325 pounds of prunes, and other articles too numerous to mention, amounting together to the sum of \$204,728.20.”

Now, let us see what else they had. They had clothing — every one had a regimental suit. They had laundries ; they had workshops, and a total of 505 employed in them ; and the amount of their product was \$158,766. The cigar shop gave employment to ninety men, who earned \$6,000 and made 1,800,000 cigars, which sold for \$33,347, and realized to the home a net profit of \$3,000. Eighteen men with knitting machines made 2,069 dozen pairs of stockings, which realized a total of \$7,391.46. and a profit of \$1,478.26. One disabled soldier made 161 dozen brooms, which, after paying for material and his labor, returned a net profit of \$203 ; and so on.

Farms and gardens : The total value of the produce of the year was \$32,000, and the net profit was \$6,000. Now, let us see about our green-houses. Instead of all the flowers going to Charles Marsh's house, except what few they set out, let us see what we did : —

“ Last year the Central Branch realized about \$400 from the sale of flowers, while this year the sum received was \$1,489.50, being nearly four times as much as last year. Besides, the green-houses at the Central furnished last year 29,956 plants, shrubs, etc. (including many fine roses), for the adornment of the home grounds. The chief gardener reports 64,510 plants, shrubs, etc., on hand, which he reports to be worth \$8,880.65.”

And for fuller details reference is made to the gardener's report. Now, let us see what else we did. We paid these men for their labor. The number employed for pay was 1,566 ;

the amount paid out was \$90,000 and odd. That is one institution. At all four the total was \$144,000 paid out to disabled soldiers for what they did. Then, for amusements: We had a store out of which they might get everything that they pleased, and the gross sales in that store were \$63,000; net profits, \$16,000, which went into the institution. Then, we gave every man transportation that wanted it that could not pay for it, and the whole amount of that was \$15,345.

Now, then, if I can only find the bill of fare. Here it is. [Referring to book.] I want you to compare this, gentlemen:

"Sunday — Breakfast: boiled ham, fried potatoes, graham bread, butter, coffee; —

— did you have anything better than that at your hotel this morning, gentlemen? —

— dinner: roast mutton, potatoes, turnips, apple-pie, bread, butter, coffee; supper, tomatoes (stewed), bread, butter, gingerbread, tea. Monday — Breakfast: corned beef, potatoes, butter, bread, coffee; dinner: vegetable soup, boiled beef, potatoes, bread, crackers; supper: hominy and syrup, biseuit, butter, cheese, tea. Tuesday — Breakfast: Irish stew, potatoes, bread, butter, coffee; dinner: pickled shoulders, cabbage, beets, bread, butter, coffee; supper: bread, butter, apple-sauce, cookies, tea.

And so on, for each day. Now, then, how much do you suppose that cost a week — that sort of living? Twenty cents a day, or \$1.40 a week. Didn't I know whether I could run this establishment up here for \$70,000? I could run it to a shaving. No trouble about it at all.

And these men had a library where 71,000 books were read in a quarter; had over 400 periodicals; had amusements. Read that! [Holding up the book.] Read that! And then let some man undertake to talk about the way the soldiers' homes were run. I am always glad when I can find a fair opportunity to speak by the record. This was not a poorhouse. These men were my old comrades, and I meant they should live, and they did live as well as I do, and no man of them ever complained. Never! And whenever anybody wants to investigate these institutions, while they were under my charge, I won't call an officer, but I will raise my hand, and I will say, "My old comrades, soldiers, come here and defend your old

commander," and they will clear out this State House so quick your heads will swim.

And that brings me to just this. Here this institution has been running for all these years. Sixty-odd thousand inmates, and they have not brought a single one to say a good word for them, except that whoremaster, French Joe. Not one can they find out of all who have been in here, man or woman, sane or insane. Nobody is crazy enough to say a good word for the Marshes, except when the Marshes stand over them. Isn't that so? Wouldn't you be ashamed to be at the head of an institution for a quarter of a century, where nobody would say a good word for you in your time of trial? If there was no other piece of evidence that is enough.

Now, gentlemen, you were told that these soldiers' homes cost \$1 more a week only than did this burnt rye coffee, tea, bad beef and bad fish,—admitted, the worst they could buy, of the class, all bone,—than did this here. I don't want these poor men to have anything! Give me charge of them and I will see they are well fed. I know how much it will cost. Or, give somebody charge of them whom I can direct and tell how to do it, and won't steal half of it. I know you see whereof I affirm.

Now, gentlemen, there is another thing about this; there is a matter in which we have done good in another way. This investigation has brought out, through all the land, these facts, and has turned everybody's attention to them; and, from Maine to Georgia, every week I see where some almshouse is being investigated. In the Tribune of yesterday there is this:

"If General Butler were governor of Texas he might perhaps find a legitimate object of attack in the Dallas County poor farm, the alleged brutal management of which is said to be creating intense excitement and indignation. Already there are reports of a man clubbed to death and a little girl beaten with a fence rail, not to mention one death through neglect, constant cruelty and insufficient food. An official investigation, with sensational results, is expected"

They are waking up down in Texas. We have woke them up everywhere. We have done a "heap of good," as they say down in Texas, if all this has been wrong. It has been a benefit to the country; and I claim this benefit, if no more, for your labors and mine. All that was before us in object when we began was the changing of this administration; and with me that

there might be greater economy, and greater comfort with greater economy. I would give \$3 where there is \$1 given now rather than to have a comfort taken away from one of these poor creatures that they have now. My proposition is, they don't have the worth of their money. Too many mouths of officers: too many officers that do nothing; too many matrons just out of school, only fit to ride out with Charles Marsh, or the other Marsh, Tom Marsh, in the afternoon. Call that little chit a matron, and pay her from the State as a matron! Why, she is hardly out of her leading strings, only a few months from school when she was appointed. Give us ladies advanced in life, advanced in experience, prepared for this work, and you won't want so many of them. You would want a thousand like that little "critter" to do any good among a lot of old men except to excite their passions.

What I desired has been accomplished. The Marshes and French Joe have gone: and the Board of Health and Charity, when I put the responsibility of keeping them there, did what they thought they must, got rid of them, unloaded them. They would not bear that burden a moment. I knew that when I put it upon them. They were men of responsibility, they were responsible men, and that is why they made so much objection to taking it; for they knew the moment they took upon them the duty of trustees, that moment there would be the whole responsibility upon them, and then they must turn out the Marshes, and they must strike a vital blow at their party, — for suicide is confession always, always. There can be no doubt upon that subject. We have now got it under a different management. Mr. Brown says it is not a good management. I am sorry to hear it. I will examine into it as soon as ever I can. — I was going to say get rid of you, gentlemen, but I will take that back, — as soon as you can get rid of me.

The CHAIRMAN. We haven't gone, yet, Governor.

Gov. BUTLER. I will attend to that; and if what he said is true, the same hand that made the board of lunacy and charity trustees of Tewksbury, can unmake them just like that [snapping his fingers]; and it will be done in five minutes if they are spending more money than they ought to, as soon as I find it out. So there is no trouble about it.

All is accomplished, except something that I dare not speak of, — the political objects. I was accused of having high politi-

cal objects in this matter. How was I going to do it? By doing my duty, I suppose. I don't know any other way I should do it; and is not that a good way to accomplish political ends? I think it is. Do my honest duty by my State, by the people, and especially in behalf of those that had no other friend. Most of them cannot vote. [Applause, and the chairman rose, and rapped for order.] Don't applaud now, please, because, you see, it stops everything.

The CHAIRMAN. There isn't but five minutes.

Gov. BUTLER. I know I am very short of time. Why, if I had been looking after votes, I could have had all the Marshes on my side like a wink, just like a wink. No trouble about that. They run the politics up in my neighborhood, used to, and did it exceedingly well, sir, too. [Turning to T. J. Marsh. Jr.] But I could not help that; I could not do that. I am not on that side ever. God made me in one way, that I must be always with the under dog in the fight. I can't help it; I can't change it, and, upon the whole, I don't want to change it.

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